

EXHIBIT 19

Luke Viscusi

From: Shaun Dinubilo <sdinubilo@squaxin.us>
Sent: Monday, May 1, 2023 3:02 PM
To: Luke Viscusi
Subject: RE: Taylor Shellfish Oakland Bay Proposal - Habitat Management Plan

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Hello,

Thank you for contacting the Squaxin Island Tribe Cultural Resources Department regarding the above listed project for our review and comment. The project area has a high potential for the location of cultural resources but due to the nature of the project we have no specific cultural resource concerns for this project. If DAHP recommends a survey, or additional recommendations, we concur with DAHP's recommendations. We would prefer to receive an electronic copy by email once completed. If any archaeological or cultural resources are uncovered during implementation, please halt work in the area of discovery and contact DAHP and the Squaxin Island Tribe's Archaeologist, Shaun Dinubilo via email at sdinubilo@squaxin.us.



Shaun Dinubilo
Archaeologist
Cultural Resource Department
Squaxin Island Tribe
200 S.E. Billy Frank Jr. Way
Shelton, WA 98584
Office Phone: 360-432-3998
Cell Phone: 360-870-6324
Email: sdinubilo@squaxin.us
Email is my preferred method of communication.

Luke Viscusi

From: andrew willner <anwillner26@gmail.com>
Sent: Wednesday, May 3, 2023 9:37 PM
To: Luke Viscusi
Cc: Ginny and Dave Douglas
Subject: Comments re: Taylor Shellfish proposal for Oakland Bay

Follow Up Flag: Follow up
Flag Status: Completed

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I am writing in opposition to the proposal by Taylor Shellfish for an Oyster farm in Oakland Bay.

I believe that the placement of the 9 acre proposal drastically changes the access, safety, and security of recreational users of Oakland Bay. There are currently two sets of commercial shellfish farms in Oakland Bay. Each is considerably smaller than the nine acre proposal. The more modest size allows placement outside of the direct recreational usage area. Native and additional commercial fishermen harvest extensively at the shoreline both Oysters and Clams.

As Oakland Bay is in fact an estuary the low tide water depths are very low. This dictates that boaters directly access the center depths of the estuary. This maneuver is precluded by the Proposal by Taylor Shellfish, for the majority of recreational boaters in east Oakland Bay.

Oakland Bay is an ideal waterway to introduce children to safe motor and paddle boating. Additionally they learn about tidal flow and its impact on recreation. This teaches them to plan their trips with tidal movement considered. This proposal severely limits paddling from east Oakland Bay.

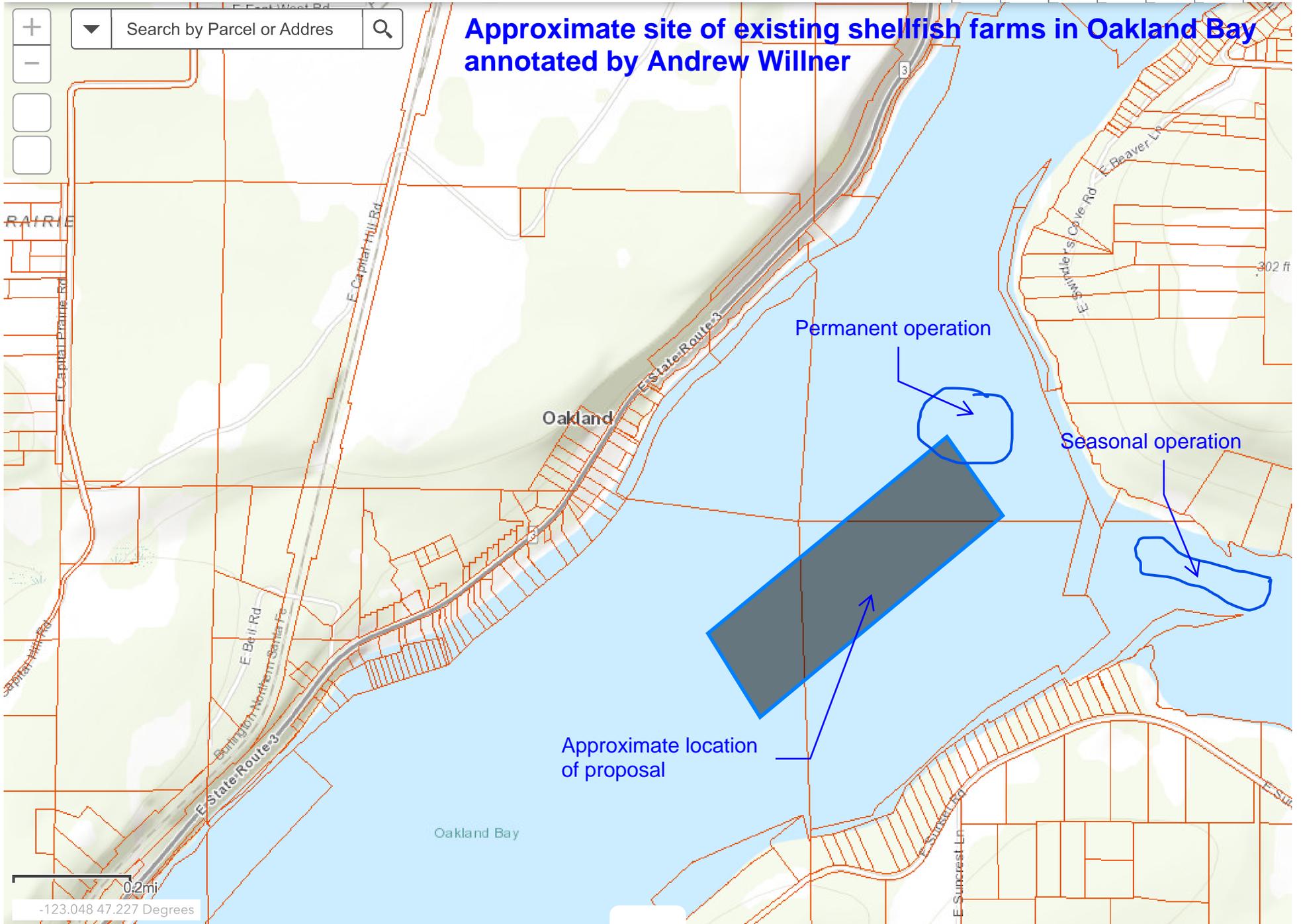
I am sure that the thoughtful county permit reviewers will join me, a retired Family Physician in the promotion of healthy children and adults through promotion of these recreational opportunities.

Please reject the permitting of this application in Oakland Bay.

Sincerely, Andrew Willner MD
1062 E, Sunset Road
Shelton WA 98119



Approximate site of existing shellfish farms in Oakland Bay annotated by Andrew Willner



Luke Viscusi

From: Christin Herinck <christin.herinckx@gmail.com>
Sent: Thursday, May 4, 2023 9:58 AM
To: Luke Viscusi
Subject: Re: The Taylor Shellfish application

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Dear Luke,

I don't believe my thoughts and opinions to you will be helpful to the cause, as I believe your role is to be "neutral." Please add it as a formal complaint. I reread it and I have altered it slightly. Here is the revised version:

- 1) This is ugly. This would change the aesthetics of the bay drastically impacting many people who live here.
- 2). This will limit people's ability for recreational activities on Oakland Bay.
- 3) This will impact tourism negatively.
- 4) This will alter the habitat for Bald Eagles. I have seen Eagles fishing for food on the Bay virtually daily. This will impact their food source.
- 5) The endangered Olympia Oyster (which will not be grown by Taylor Shellfish). will have to compete for the same nutrient resources.
- 6) Oakland Bay is surrounded predominantly by residences. This is a commercial operation that wants to use a public resource disproportionately for their interests. They don't own Oakland Bay, it should belong to all of us who have chosen to here.
- 7) If they are allowed to violate Mason Counties own code based on the Public Trust Doctrine and establish a foothold, there is nothing stopping them from doing this to the entire bay that is not closed for contamination. Why would they not? We are their neighbors now and they don't care how we will be affected.

Sincerely,

Christin

Luke Viscusi

From: Deborah BARNETT <dbarnett36@comcast.net>
Sent: Thursday, May 4, 2023 9:48 AM
To: Luke Viscusi
Subject: Taylor Shoreline Substantial Development and Shoreline Conditional Use Permit

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Luke Viscusi, Planner
Mason County Community Development
615 W Alder St.
Shelton, WA 98584

Dear Mr. Viscusi,

This letter is in response to your request for comments regarding the application by Taylor Shellfish on its proposal to install a floating oyster bag system in Oakland Bay.

We have been residents on Oakland Bay for 30 years, and have seen much improvement in the quality of the water and ecosystem in Oakland Bay. When we first built our home at 844 East Sunset Road, Oakland Bay was substantially filled with log-booms and piling throughout the entire Bay. Over time, this practice was abandoned, and the improvement in fish, wildlife and other important elements of the natural ecosystem improved substantially over the past 30 years. Now, however, the Taylor Shoreline Development Plan, threatens to reduce the positive advancements that you and other officials in Mason County have worked so hard to improve. The visual impact of the of the floating oyster bag system being proposed by Taylor Shellfish will be a substantial step backwards. At a minimum, the decline in property values will result in reduced taxes payable to Mason County and will have a negative impact on funds available to support the operation of the County.

We strongly recommend that the County pursue alternative plans with Taylor Shellfish to continue the production of oysters, clams and other shellfish in a more traditional manner where shellfish production occurs naturally on the floor-bed of Oakland Bay rather than the surface water. Taylor Shellfish has demonstrated an ability to conduct its shellfish operations on the floor-beds of Oakland Bay without the need to disrupt the visual appearance of our area and without any reduction in property values.

Please give our concerns the substantial attention they deserve. We look forward to working with you and others at the County in finding a more traditional and reasonable manner in allowing Taylor Shellfish to continue its shellfish business.

Deborah and Devitt Barnett
844 E Sunset Rd
Shelton Wa.
501 N Tacoma Ave
Tacoma Wa.
253-579-3072
206-467-1244

Luke Viscusi

From: Kathy Kent-Lanning <kathykl90@gmail.com>
Sent: Thursday, May 4, 2023 4:11 PM
To: Luke Viscusi
Cc: Kathy Kent-Lanning
Subject: Oakland Bay/Taylor Shellfish permit application

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To Luke Viscusi, I am emailing you to voice my concern over the disturbing notification our household received regarding Taylor Shellfish's application for a permit to grow & harvest oysters in a floating bag array in Oakland Bay. Not only will this impact the beauty and tranquility of Oakland Bay, but would be detrimental for recreational activities such as boating, water skiing, paddle boarding, kayaking and canoeing, to name a few. Having had the privilege of living on the Bay for 30 years and investing in the continued improvements/enhancements to our property, I am flabbergasted at the news of this outrageous impingement attacking the peaceful, beautiful bay we all love! What will visitors to our area think of that monstrosity of floating nets taking up 50 acres of water?! The size of this monstrosity is the equivalent of nearly 37.81 football fields! Will the profits of one company override the concerns of the many? This is unacceptable; please help us in our fight to deny this application!!! A Friend of Oakland Bay, Kathy Kent-Lanning

Luke Viscusi

From: Nancy Willner <ncwillner@gmail.com>
Sent: Thursday, May 4, 2023 10:10 AM
To: Luke Viscusi
Subject: Fwd: Comments Re: Taylor Shellfish Oakland Bay Development Application

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----- Forwarded message -----

From: Nancy Willner <ncwillner@gmail.com>
Date: Wed, May 3, 2023, 8:58 PM
Subject: Comments Re: Taylor Shellfish Oakland Bay Development Application
To: <lviscusi@masincountywa.gov>
Cc: GINNY DOUGLAS <ginnydouglas@comcast.net>

Dear Mr Viscusi,

We are disappointed to hear there are plans for a 9 acre oyster farm in Oakland Bay across from residential areas. We bought our place in 2020 partially because of its unobstructed bay view and water access. Kayaking and other water sports have been important to us, our friends and family. Our view and water activities would be disrupted by the proposed Taylor Shellfish Oyster Farm. I am particularly worried about children's ability to navigate safely around/through the barriers imposed by the oyster farm during peak tidal movement. An operation of the size proposed would be better suited in a commercial area for boating safety and aesthetics.

Thank you.

Nancy Willner
1062 E Sunset Rd
Shelton, WA 98584

Luke Viscusi

From: BILL FIERST <prbill110@comcast.net>
Sent: Thursday, May 4, 2023 5:15 PM
To: Luke Viscusi
Subject: Taylor Shellfish Proposal

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Luke:

Attached is my response to "Shoreline Substantial Development Permit and Conditional Use Permit Application Taylor Shellfish - Oakland Bay Floating Oyster Farm"

10. Recognition should be given to the possible impacts that aquacultural activities might have on aesthetic quality of the shoreline area.

Response: The structures may be 1,000 feet from the shoreline, but they will still ruin the pristine view from the shoreline. They will not blend in!

12. Aquacultural activities should be operated in a manner that allows navigational access to shoreline owners and or commercial traffic.

Response: The structures will cover 9 acres and will severely restrict navigation. To get across the Bay will require significant effort and time to maneuver around the structures. Also the center of the Bay may be nearly inaccessible.

13. Floating aquaculture should be reviewed for conflicts.....

There is 50 acres available, what it is the promise of no further expansion.

As listed above, there is certainly a conflict with recreational use.

General Aquaculture Regulations

E. Consistent with.....

Response: The proposal will severely restrict recreational use of the Oakland Bay waters. It takes up 9 acres and potentially 50 acres. Recreational use will be severely impeded.

J. To the maximum extent possible.....

Response: There will be a significant visual impact.

K. Aquaculture structures.....

Response: There is no way his will not minimize navigation. The project is taking up 9 acres and potentially 50 acres.in the middle of the Bay.

Finally, this will cause a substantial decrease in Property values. Impacting not only the homeowners, but State & County property tax revenue.

Roger (Bill) Fierst
1080 East Sunset Rd

O

Luke Viscusi

From: Roger Willson <roger.r.willson@gmail.com>
Sent: Thursday, May 4, 2023 12:04 PM
To: Luke Viscusi
Subject: Floating Oyster Beds on Oakland Bay

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Dear Mr. Viscusi,

I am writing to express my concern with Taylor Shellfish's plan to construct floating oyster beds on Oakland Bay.

My wife and I are homeowners on Oakland Bay, residing at 1210 E. Sunset Road. We purchased this home to enjoy the incredible views and watch the abundant wildlife (ducks, geese, sea gulls, heron, seals, and even whales.) These proposed floating beds threaten to destroy all that. They will be an eyesore to an otherwise beautiful Bay. They will negatively impact the wildlife on the Bay. They will negatively impact boating on the Bay. And they will certainly negatively impact my property value.

While these Beds may be good for Taylor Shellfish, they are a disaster to those of us who live on and enjoy the Bay for it's beautiful views and recreation.

Please do not allow this proposal be approved.

Roger and Carrie Willson
12 10 E. Sunset Road
Shelton, WA 98584

Sent from [Mail](#) for Windows

From: William Lanning <wlanning47@gmail.com>
Sent: Thursday, May 4, 2023 4:27 PM
To: Luke Viscusi
Subject: Taylor Shellfish Permit

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The permit it request by Taylor Shellfish for the lease of 50 acres on Oakland Bay is mind-blowing! Fifty acres is equivalent in size to 37.81 football fields, 750 tennis courts, or 11.11 aircraft carriers. This request is woefully inappropriate and should be denied as expeditiously as possible. I will not accept the idea that a single business can have an influence of such a magnitude on the public and on public lands. We have invested heavily in our residence over the years and here comes Taylor with a grandiose idea that may turn a profit for their business, but will devalue property values immediately. This idea stinks and the community will not accept it! Taylor is out to trash the neighborhood! I hope our county officials will share the same respect for our environment as it's community.

Mark Herinckx
860 E Sunset Rd
Shelton, WA 98584
May 5, 2023

Luke Viscusi, Planner and Mason County Hearing Examiner
Mason County Community Development
615 W. Alder St.
Shelton, WA 98584
Sent Via Email to LViscusi@MasonCountyWA.gov

Dear Mr. Viscusi and Examiner,

This is a letter to strongly oppose this unprecedented massive development dead center in the middle of scenic Oakland Bay. Make no mistake, the size of this project is hard to comprehend. It will be over three times the size of the T-Mobile Field complex in Seattle, dropped into the center of Shelton's pristine bay. With 30 lines of floating oyster gear over 2000 feet long, it will occupy the entire 50-acre site in the center of the bay. Not only will this be an obscene use of this space, it is incredibly short sighted given the recreational use of the bay, and its long-term value to Mason County. The Shelton area is the gateway to the Olympic Peninsula and tourism is Washington's fourth largest industry, generating over 21.4 billion annually. I believe that considering the following points from Mason County's Shoreline Master Program (17.50) and the Public Trust Doctrine, it will be incumbent on the Examiner to stop this development that is incongruent with the public interest.

MCC (17.50.020 p.15) defines Shorelines of Statewide Significance to include "all saltwater bodies below the line of extreme low tide". By definition, the entire area of this project lies in an area of Shorelines of Statewide Significance. The Shoreline Master Program (17.50.070 p. 29) clearly dictates how Shorelines of Statewide Significance are to be treated. "The Legislature declares that the interest of all of the people SHALL be paramount in the management of Shorelines of Statewide Significance." "In managing Shorelines of Statewide Significance, Mason County SHALL give preference to uses in the FOLLOWING ORDER of preference which:

- a. Recognize and protect the statewide interest OVER local interest;
- b. PRESERVE THE NATURAL CHARACTER OF THE SHORLINE; (includes the body of water)
- c. Result in long term over short term benefit;
- d. Protect the resources and ecology of the shoreline;

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e. INCREASE PUBLIC ACCESS TO PUBLICLY OWNED AREAS OF THE SHORELINE;

f. INCREASE RECREATIONAL OPPORTUNITIES for the public in the shoreline;

g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate if necessary. “

It is crystal clear that the proposal by Taylor Shellfish, Inc. is completely out of line with the way Shorelines of Statewide Significance ARE to be handled. This is a private corporation that is attempting to put private gain ahead of EACH of these ordered criteria that CLEARLY place PUBLIC and STATEWIDE interest over a private entity. “THE INTEREST OF ALL OF THE PEOPLE SHALL BE PARAMOUNT (p.29)”. The Shoreline Master Program places this burden on the county.

The Shoreline Master Program (17.50.115) speaks to Economic Development. Number 1. states that, “Such activities should not DISRUPT or DEGRADE the shoreline or surrounding environment”. It is incomprehensible to see how thirty 2000-foot-long floats could do anything but DISRUPT AND DEGRADE the shoreline (water). Number 2. (p.48) addresses “water-dependent, water-related, and water-enjoyment economic development”. Clearly, waterfront and water-view property are by definition a water-enjoyment economic development which contributes immensely the Mason County tax base as well as construction jobs and all of the related jobs to maintain these homes. This monstrosity that Taylor Shellfish, Inc. is attempting to stuff into Oakland Bay will degrade the entire bay for everyone that would like to fish, swim, navigate, water ski, beachcomb, sunbathe, observe natural and undisturbed wildlife, play on the beach or enjoy seclusion. Placed end to end, there will be over eleven miles of floating oyster gear in the bay. Number 3. (p.48) is “Encourage water-oriented recreational use as an ECONOMIC ASSET that will enhance public enjoyment of the shoreline”. Tourism is Washington’s fourth largest industry. In the nicer weather countless people use the bay for kayaking, sailing, windsurfing and general navigation. This blockade of massive floating oyster gear will prevent many tourists and Washington State boaters from enjoying the best part of the bay. I can’t believe that this mess of an idea has even made it this far.

As to Property rights (17.50.135 Shoreline Master Program) “This program should not unconstitutionally infringe on private property rights or result in unconstitutional taking of private property” and Public Access (17.50.140). There are so many things wrong with this proposal that is hard to know where to start. Let’s take a look at Policies (p.52):

Number 1. “This program is intended to preserve and enhance the public’s opportunity to ENJOY the PHYSICAL and AESTHETIC qualities of County shorelines.” (Shorelines of the State includes the water)

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Number 2. "Increasing all types of PUBLIC ACCESS is a PRIORITY for the county...."

Number 4. "Private entities should provide public access when the development would EITHER generate a demand for public access, OR would IMPAIR existing LEGAL ACCESS OPPORTUNITIES OR RIGHTS."

Under Regulations (p.52)

"Public access shall be required to the extent allowed by law in the review of Shoreline Substantial Development or Conditional Use Permits in the following circumstances:

- c. The project is a private water-dependent or water-related use or development and ONE of the following conditions exists:
 - i. The project increases or creates demand for public access;
 - ii. The project IMPACTS OR INTERFERES with EXISTING ACCESS by BLOCKING ACCESS or DISCOURAGING USE OF EXISTING ACCESS;
 - iii. The project IMPACTS OR INTERFERES WITH PUBLIC USE OF WATERS SUBJECT TO THE PUBLIC TRUST DOCTRINE."

(P. 53, d.) "THE COUNTY BEARS THE BURDEN OF DEMONSTRATING THAT THE PROPOSED USE OR DEVELOPMENT MEETS ANY OF THE PRECEDING CONDITIONS."

It is evident from the Taylor Shellfish, Inc. proposal that it does not in ANY WAY conform to any of these regulations. The size and design of this project violates virtually all of the above demands and it is impossible that it could meet ANY of the above criteria. Because of this, Mason County MUST stop this development.

In addition, the Public Trust Doctrine IMPOSES DUTIES on state government and state agencies to protect public interests in regard to navigation, fishing, recreation, aesthetics, access and enjoyment of public waterways. (Washington Revised Code). Although it is beside the point, because this project is in violation of so many parts of the Shoreline Master Program, that Taylor Shellfish, Inc. will move the 2000-foot floating lines (no one knows where) to allow fishing for tribal reasons. Will they move them for me or anyone else that would like to sail, kayak, swim or just plain look out at a beautiful natural bay? By their own admission, they know that this massive installation WILL block access, which is in violation of the above code. It is also clear that home owners that derive pleasure by merely looking at a natural bay will likely have unchallenged standing to pursue legal action against the applicant for diminished value and enjoyment from such a violation of a natural setting. My wife and I purchased the home we own on Oakland Bay BECAUSE of the view. We are not alone. Any homeowner on the water or with a water view could seek remedies along with anyone else that either looks at or uses the bay.

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Of particular interest in the Shoreline Master Program (17.50.210) are the following items:

Number 10. "Recognition should be given to the possible impacts that aquacultural activities might have on the AESTHETIC QUALITY of the shoreline area."

Number 12. "Aquacultural activities should be operated in a manner that ALLOWS NAVIGATIONAL ACCESS TO SHORELINE OWNERS and commercial traffic."

Number 13. " Floating aquaculture SHOULD BE REVIEWED for conflict with other water dependent uses in areas that are utilized for moorage, RECREATIONAL BOATING, SPORT FISHING, COMMERCIAL FISHING or commercial navigation. Such surface installation SHALL incorporate features to REDUCE use conflicts."

OK, this installation is nearly a half a mile long. How could it by design comply with any of this? This entire thing should outrage anyone that looks at this proposal. There is no evidence that there would even be a net gain of jobs by the time you factor in the aesthetic damage that this will do to the bay. One thing is certain, if this is approved, the vast majority of the benefit will be to one private entity at the expense of all of the public.

Also, on P. 60 (17.50.210) Item j. reads, "To the maximum extent practicable, floating aquaculture structures SHALL NOT SUBSTANTIALLY DETRACT from the AESTHETIC qualities of the surrounding area, provided methods are allowed by federal and state regulations and follow best management practices."

And, item k. reads, "Aquacultural structures SHALL be placed in such a manner, and be SUITABLY SIZED and marked, so as to minimize interference with navigation."

This installation will be far beyond detracting from the aesthetic qualities of the surrounding area, it will be, in fact, the predominate feature of Oakland Bay!!! The Public Trust Doctrine conveys to the public a property right, like an easement, to enjoy, view and access unique resources such as navigable waters, and this right is protected from the very intrusion of private interests that endeavor to usurp this right, particularly in such an egregious and blatant manner, which inflicts harm to the public. It is not in the best interest of Mason County to be shortsighted as to the use of Oakland Bay. There is growth from Olympia to Canada along the I-5 corridor and it is only a matter of time that the unique features of Shelton, Mason County and Oakland Bay will foster substantial economic growth. This is evidenced by the relatively recent additions of Fred Meyer and Walmart. These companies do not move into areas that are in decline. We need to protect our natural features for all to enjoy, now and into the future. This development ignores the millions of dollars of development around Oakland Bay and the vested interests of many residents of Mason County. In addition, there are massive holes in the proposal by Taylor Shellfish, Inc. There is virtually no discussion about the impacts to the many property owners around Oakland Bay. Also, there is no mention of the Bald Eagles that have been flying over the bay. Most everyone has seen this that lives in the area. Are the values of the county as outlined in the Shoreline Master Program really being followed by this proposal? Is it fair, just or even compliant to allow this to happen? There are so many features of this plan that do not comply with the vision of the Shoreline Master Program that it should not be given even cursory consideration.

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Under "General Requirements for all Uses and Development" (17.50.400 p.118), item 1. "No authorization to undertake use or development on shorelines of the state shall be granted by the County UNLESS upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and this master program. The burden of proving that the proposed development is consistent with these criteria SHALL be on the APPLICANT."

To say that there are "holes" in this application would not be accurate. Virtually none of this application is compliant with the Shoreline Master Program or the Public Trust Doctrine. This proposal wildly exceeds what could even be considered as appropriate or within the spirit and outline of the Shoreline Master Program. Is it worth turning over the beautiful reflection of the Olympics in the calm waters of Oakland Bay to the benefit and profit of one company? Where does this stop? How much more revenue does this company need and at what expense to the County and to the Public? Make no mistake, this will take over the entire center of Oakland Bay.

Respectfully, in light of these considerations and views of many concerned neighbors, I request that this proposal be denied by the Hearing's Examiner to the benefit of Mason County and all those that will enjoy Oakland Bay's natural unblemished beauty.

Mark Herinckx

Mason County Resident



SIERRA PACIFIC INDUSTRIES

421 S. Front St. • Shelton, WA 98584 • (360) 427-8200 • Fax (360) 427-8219

May 8, 2023

Luke Viscusi, Planner
Mason County Community Development
615 W. Alder St.,
Shelton, WA 98584

RE: Oakland Bay Floating Container Project

Dear Mr. Viscusi,

I am writing in support of Taylor Shellfish's current application to construct a new shellfish farm in Oakland Bay, specifically outside the Chamber Cover area.

This facility is visually low profile and will continue the proud legacy of shellfish farming in the area. Taylor Shellfish has been in the area for generations, producing high quality, sustainably grown shellfish. They have been excellent stewards of the tidelands. This particular project is on leased DNR tidelands, which matches the mission and vision of the DNR leasing program.

This farm is designed to allow the natural ability of shellfish to remove human-caused nutrients to improve water quality in the area while supporting a long-time family-run business that is dedicated to the local community.

We here are Sierra Pacific Industries wholeheartedly support this project. Please let me know if I can provide any further information.

Sincerely,

Lisa Perry
Community Relations Manager
Cell (360) 623-9545
Email lperry@spi-ind.com



360.426.2276 office
360.426.2868 fax

310 West Cota Street
Shelton, WA 98584

 ChooseMason.com

May 10, 2023

Luke Viscusi, Planner
Mason County Community Development
615 W. Alder St.,
Shelton, WA 98584

RE: Oakland Bay Floating Container Project

Dear Mr. Viscusi,

Thank you for the opportunity to convey the Mason County Economic Development Council's support of Taylor Shellfish's current application to construct a new shellfish farm in Oakland Bay, specifically outside the Chamber Cover area. Taylor Shellfish is a significant and growing employer within Mason County and has been a strong advocate for local wastewater treatment improvements, restoration, conservation purchases, and land use planning to improve habitat and water quality in Oakland Bay. This farm is designed to allow the natural ability of shellfish to remove human-caused nutrients to improve water quality in the area.

Taylor Shellfish, a long-time family-run business dedicated to the local community, has been an excellent steward of the tidelands. This particular project is on leased DNR tidelands, which matches the mission and vision of the DNR leasing program and is designed to minimize adverse impacts to the area's environment and wildlife. This facility is visually low profile and will continue the legacy of shellfish farming in the area by supporting seed survival and increasing the overall capacity to provide the seed volumes needed to support multiple shellfish farms.

The Economic Development Council wholeheartedly supports this project. Please let me know if I can provide any further information.

Sincerely,

Jennifer Baria, Executive Director

David and Virginia Douglas
1020 E. Sunset Road
Shelton, WA. 98584

May 18, 2023

Luke Viscusi
Planner
Mason County Community Development
615 Alder Street
Shelton, WA 98584

Email: lviscusi@masoncountywa.gov

Re: Permit Application SHR 023-00003, Taylor Shellfish

Dear Mr Viscusi:

Please include the following for submission to the Hearing Examiner. Thank you.

Sir,

The deeper we dig, we find more information available to support our request to deny the Taylor Shellfish 99 year lease in Oakland Bay.

In this writing, we refer specifically to the areas of the Mason County Shoreline Master Plan (SMP) where **Taylor Shellfish Company proposal just simply does not comply**. Reviewing the SMP objectives discussed below, it is quite clear the proposed project does not and cannot satisfactorily mitigate the project's impact for the preponderance of the SMP objectives.

Again, I ask for your careful and thoughtful consideration with regard to this proposal and request you deny it in totality and declare Oakland Bay a safe haven for the fish, wildlife, people and the aqua ecosystem who currently make it home! At some point we have to rely upon our community leaders and you to fulfil your obligation as a guardian of the public trust.

The following summarizes points delineated in the SMP where the proposed Taylor Shellfish floating oyster farm fails to adequately address or mitigate SMP objectives.

17.50.140 Public Access

A. POLICIES

- This program is intended to preserve and enhance the public's opportunity to enjoy the physical and aesthetic qualities of the County shorelines.

**The proposed farm obviously will not enhance the public's ability to enjoy the physical and aesthetic qualities of Oakland Bay.*

- Increasing all types of public access is a priority for the County...

**The proposed project significantly decreases public access to Oakland Bay*

- Private entities should provide public access when the development... would impair existing legal access opportunities or rights.

**Again, the proposed project significantly decreases public access to Oakland Bay*

B. REGULATIONS

c. ii. The project impacts or interferes with existing access by blocking access or discouraging use of existing access.

**The proposed project significantly decreases public access to Oakland Bay*

c iii The project impacts or interferes with public use of waters subject to the Public Trust Doctrine.

**The proposed project significantly decreases public access to Oakland Bay*

17.50.145 Views and Aesthetic Policies

2. Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities as seen from land or from water...

**This project will have significant negative impact upon aesthetic view of Oakland Bay from all waterfront properties, leading to immediate, substantial and long term diminishment in all property values.*

5. The County should achieve aesthetic objectives by implementing regulations...

**There are currently no regulations or requirements of which we are aware protecting the aesthetic value of waterfront views and control nighttime navigation illumination beacons at the project. The proposed farm will have a very significant negative impact upon the visual aesthetic of Oakland Bay 24 hours per day, 7 days a week.*

17.50.210 AQUACULTURE

**This policy area is especially important because Taylor does not have any evidence that an aquaculture infrastructure of the size and magnitude they are trying to establish will not cause damage to an already fragile aqua ecosystem. There is not a comparable sized farm in existence in the South Sound from which to collect such evidence.*

**This is a precedent setting decision; if approved, shellfish companies will have the established right to install floating shellfish farms throughout the entire Puget Sound*

**It cannot go unnoticed that Taylor Shellfish floating farm takes the prime, central deep water portion of the bay and renders recreational use of this water impossible.*

A. AQUACULTURE POLICIES

1. Aquaculture is of statewide interest. Aquaculture is dependent on the use of the water area and, when consistent with *control of pollution and prevention of damage to the environment...*

**Taylor Shellfish has not established with reasonable certainty that the project will control pollution, particularly related to the high concentration of pseudofaeces and the eutrophication of the waters leading to high spikes in algae blooms.*

3. The County should strengthen and diversify the local economy by encouraging aquaculture uses.

**This project does not satisfy the requirement as the projected job creation is just 2-5 jobs. The local economy benefits significantly more from continued protection of the environment of Oakland Bay and the corollary preservation of property values for waterfront adjacent properties..*

4. Flexibility to experiment with new aquaculture techniques should be allowed.

** Consideration needs to be made with respect to ecological cost as well cost to the citizenry and community. Why should Oakland Bay, a relatively small estuary, be expected to serve as the "guinea pig" for these experiments? The low water flows in the bay already creates a more sensitive environmental condition. .*

8. Maximum effort to protect water quality should be made in areas with high potential for aquaculture and current aquaculture areas that have been identified as sensitive areas.

**Oakland Bay has been identified as an environmentally sensitive area. The proposed project will endanger the Oakland Bay ecosystem.*

9. The County should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.

Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions or adversely impact eelgrass and macro- algae. Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life or establish new nonnative species which cause significant ecological impacts.

**There cannot be evidence to disprove this possibility as there has never been a structure of this size in a comparable Bay without egress. Also Taylor has established additional farming less than ½ mile from the proposed site. There remains no evidence our Bay will not be impacted leaving us with the possibility of a ravaged aqua ecosystem we cannot begin to repair for 99 years.*

10. Recognition should be given to the possible impacts that aquaculture activities might have on the aesthetic quality of the shoreline area.

** It goes without saying the impact on property values surrounding the Bay will be significant and negative. The lights, odors, activity, boats, debris, etc. will bring immediate and measurable decline to the area. The Bay will be unrecognizable.*

12. Aquaculture activities should be operated in a manner that allows navigational access to shoreline owners and commercial traffic.

** The proposed 50 acre oyster farm will prevent shoreline owners and commercial traffic to cross the Bay unimpeded in any direction.*

B. AQUACULTURE REGULATIONS

e. Consistent with mitigation sequencing, aquacultural uses and developments may be required to provide mitigation where necessary to offset significant adverse impacts to normal public use of surface water.

** What mitigation has been offered?*

h. Proposed aquaculture processing plants shall provide adequate buffers to screen potential impacts of operations (e.g. visual, odor and noise impacts) from adjacent residential uses.

**This proposal has not been identified as a processing plant but the same intrusions will exist. Again, what buffers or mitigations have been offered to offset the odor and other impacts from the farm?*

i. Aquaculture activities shall, to the greatest extent feasible with regard to the economic viability of the operation and protection of the environment be located, designed and operated so that native plant and animal populations, their respective habitats and the local ecological balance are maintained.

**I am not a scientist but there is no way a project of this size will not negatively impact the Oakland environment when an infrastructure of this size is introduced into an aqua ecosystem where nothing of its kind has been before.*

j. To the maximum extent practicable, floating aquaculture structures shall not substantially detract from the aesthetic qualities of the surrounding area...

**This project will have significant negative impact upon aesthetic view of Oakland Bay from all waterfront properties, leading to immediate, substantial and long term diminishment in all property values.*

k. Aquaculture structures shall be placed in such a manner, and be suitably sized and marked, so as to minimize interference with navigations.

**The proposed structure will absolutely interfere with navigation as it will take up a large section of the deep part of the Bay. The 50 acre project size is extreme!*

l. Aquaculture development shall be designed and constructed with best management practices to minimize visual impacts ...

**This will be a 50 acre structure; its sheer size will monumentally and negatively redesign the current aesthetic of the Bay.*

m. Proposed aquaculture developments shall make adequate provisions to control nuisance factors such as excessive noise and odor and excessive lighting...

**Provisions for the people working on the structure will be quite different from the provisions needed to protect noise and extreme odor for the people who live on and around the shoreline. Who will be overseeing this issue?*

Thank you for your consideration.

Dave and Ginny Douglas
253-208-8683



22 May 2023

Luke Viscusi
Mason County Community Development
615 W. Alder St.
Shelton WA 98584

RE: SEPA Comments on Application of Taylor Shellfish for Shoreline Substantial Development and Shoreline Conditional Use Permit (SHR2023-00003)

Dear Mr. Viscusi:

These comments are on behalf of the Olympic Environmental Council (OEC), a WA State and federally recognized non-profit established in 1990. The OEC has followed the aquaculture industry since the mid-1990s. Comments herein address cumulative impacts, public health/safety and public accessibility to the marine waters.

But first, a few questions:

- Taylor’s description and video of the infrastructure does not make clear if these cages every reach bottomland when the tides are low; when water levels go down. What is the lowest level the cages will reach?
- The proposal is for 50-water acres of which 9.1 acres will be used. Will Taylor be allowed to spread out in to the 50 acres in the future, or is their language restricting them permanently to the 9.1 acres? Or is the roping taking up 50 acres? This is an essential question, in part because Taylor raises it: “if CUPs were granted for other floating oyster aquaculture projects in the area where similar circumstances exist, the total of conditional uses would remain consistent with the policies of the master program and not produce substantial adverse effects to the shoreline environment.”
- Is there a sizeable financial bond required that the County could bank should there be an accident or required cleanup in the future?

COMMENTS

The OEC believes this application deserves a DS, not a DNS. The project will inject more pollution into Oakland Bay/Puget Sound and grow food for human consumption that could be toxic.

We are familiar with Oakland Bay. Around 2007, when the Puget Sound Partnership was created, Oakland Bay, like the Port Angeles Rayonier Pulp Mill site, the Duwamish waterway, Everett, Bellingham and two other sites were determined the state’s most polluted water bodies.¹

These sites would have ranked for USEPA Superfund cleanups, but are overseen, instead, by the WA State Model Toxics Cleanup Program. While recognized by the state in 2007 as top state polluted areas, the pollution was recognized years before. For instance, the Port Angeles Rayonier Pulp Mill site investigations began in 1997;

¹ Summary of Existing Information and Identification of Data Gaps Technical Memorandum—Oakland Bay 2008 MTCA

Duwamish in 2002. Yet, after all these years, no site has been fully cleaned up. They remain heavily polluted.

This includes Oakland Bay.

It concerns us that seafood is grown in Oakland Bay. For in the Port Angeles Harbor (cleanups have expanded to the entire 5-mile shoreline area), seafood is no longer harvested due to the pollution.

Indeed, nearly a century ago the Department of Fisheries concluded in its study, EFFECTS OF PULP MILL POLLUTION ON OYSTERS the following:

The purpose of the present investigation, which was undertaken at the request of the oystermen of Shelton, Wash., was to throw some light on the difficulties faced by the oyster industry in Oakland Bay, where oyster culture has suffered a setback amounting to almost complete cessation.

(1) Conditions in Oakland Bay are unique in the history of oyster culture in Puget Sound. The adult oysters have experienced an abnormally high death rate for some time, the living oysters spawn little if any, and no set has been obtained in three years.

5) Sulphite waste liquor reaches the oyster beds. Its characteristic color has been constantly present in the water over the oyster beds since the mill started operations.

8) Due to the configuration of Oakland Bay and adjoining bodies of salt water, a small proportion of polluted water escaped each day, and continuous dumping of liquor at the mill gradually builds up a high concentration in the bay.

(9) The dumping of 70,000 gallons of sulphite liquor daily would build up a concentration of 1 part liquor to 931 of water in Oakland Bay. Hopkins has shown (see accompanying report) that the important abnormal conditions of the oysters in Oakland Bay can be reproduced under controlled conditions in the laboratory by subjecting oysters to treatment by mixtures of liquor and sea water of the same strength as shown to be present in Oakland Bay. (P. 63)²

The Oakland Bay port and mill pollutants from the historic Simpson log storage are from particular sources. But these are not the only sources polluting the Bay. The Bay is also a recipient of sewage processing plant wastes. These can include over 300,000 hazardous and toxic wastes, pathogens and bacteria. And now we understand PFASs are in our water bodies. Most of these contaminants are unregulated.

Nevertheless, they exist and pollute the marine ecosystem. The full range of existing contaminants in the Bay are not only unknown, they haven't been removed. They have built up over the years.³

We understand why Taylor prefers growing oysters on the water rather than on bottomlands. However, polluted

² <https://spo.nmfs.noaa.gov/sites/default/files/pdf-content/fish-bull/fb47.6.pdf>

SUMMARY OF EXISTING INFORMATION AND IDENTIFICATION OF DATA GAPS
TECHNICAL MEMORANDUM, Oakland Bay Shelton, Washington

May 8, 2008 Herrera Environmental Consultants APPENDIX A ITT Rayonier Laboratory Chemicals

³ <https://s3.wp.wsu.edu/uploads/sites/2064/2015/07/Oakland-Bay-Water-Quality-Improvement-Report-and-Implementation-Plan1.pdf>

water is polluted water at all levels. Bottom waters seasonally rise to the top

Oysters are filter feeders. As Taylor discusses, oysters claps their shells together and push most of the water out of their bodies along with any waste. “Most” is the operative word. Filter feeder bivalves retain toxins in their meat and organs. These travel up the food chain to wildlife and consumers.

Shellfish growing may be a preferred industry, but so is keeping the health of the state’s constituents safe. Too, with the effort to clean up Puget Sound, Ecology and other agencies should disallow additional plastic to enter and pollute Puget Sound. There should not be a loophole to allow one industry, “preferred,” to add plastic infrastructure into the marine ecosystem, as well as to pollute the very food being raised.

These sites should not be considered “reasonable and appropriate.” Their abundance is enormous. The gain is for the corporations. Much of the crop is sold for a sizeable profit to Asian and other countries. The loss is for the public who has to live with the pollution and help pay for cleanups.

What every community around WA State faced with this industry in their shoreline, which is 1/3 of WA State coastal communities and over 700 permitted sites and growing is that once these sites are permitted, there is no agency oversight. The communities must be the watchdogs. The communities must file complaints and try to get some relief.

This Taylor statement rings false: the floating operation will “relieve” the Flupsy. Taylor has shellfish operations throughout the state.

Taylor stated that its cost would be around \$10,000. This doesn’t sound realistic. The County should ask for an itemized breakdown of infrastructure costs.

Throughout, Taylor uses qualifiers to downplay the operation impacts: “minimize adverse impacts”; “will not cause substantial impact”; “are not likely to result in jeopardy to species or result in destruction or adverse modification of critical habitat”; “pollute less than what surrounding development pollution”; etc. These are statements of admission that the operation will pollute while sidestepping with qualifiers *sans* defining. **The County should pin down exact quantities of the qualifiers.**

Thirty (30)-double anchors plus a center one in each anchor line. Synthetic lines attached to each anchor. The plastic is toxic HDPE, which can flake and tear off adding bits and pieces or chunks in to the water to float elsewhere or sink to the bottom affecting benthic life. And HDPE attracts PCBs. Additionally HDPE is a PFAS, not a chemical that should be added in waster bodies. WA State wants to keep plastic from entering Puget Sound. Permitting this site runs counter to the state effort.

Plastic in humans impact growth of fetuses through to the elderly. They cause miscarriages, cognitive development, cancers, hypertension, obesity, heart and respiratory issues, ovarian and sperm problems, and other health problems.

Between the HDPE and the Bay’s toxic waters, shellfish for food consumption should not be raised. The County needs to highlight the public health issues of adding another source of plastic to the ecosystem and food chain and disqualify this application. It is a DS, not a DNS.

A cost-benefit analysis must be required that compares the cost of doing this business with the cost to the marine ecosystem and impacts to wildlife and humans that ingest the oysters.

8.f. is not complete. The structures, including the cement blocks, are “fill”.

9.1 How will this project impact the southern resident killer whales, including salmon on which they relay?

9. m How will this project impact other wildlife?

Exhibit 11 Permit application Addendum Shoreline Substantial Development Permit and Conditional Use Permit Application Addendum Taylor Shellfish – Oakland Bay Floating Oyster Farm

Taylor submitted various documents dating back to 1895 to support this being a preferred industry. It included then Governor Christine Gregoire's 2007 support - a reason to clean up Puget Sound. As we know, cleaning up Puget Sound over the past 15 years has been a bust. So we are left with toxic waters. Given that over 100 wastewater processing plants from around Puget Sound eliminates sewage effluent 24/7, 6-PPD and 6-PPD quinone from tires running into the sound with stormwater,⁴ along with land-spread-sewage waste runoff with stormwater, chances are that Puget Sound's toxicity has worsened. Visionaries from the past could have had no idea how bad things would become when they promoted raising food for consumption in Puget Sound, nor the hundreds of shellfish sites that have occluded 1/3 of the state's intertidal areas. That is **cumulative impacts**.

IV. The Proposal Satisfies Conditional Use Permit Review Standards. 2. That the proposed use will not interfere with the normal public use of the shoreline.

The Proposal will not interfere with the normal public use of the shoreline. The Site occupies a minor portion of Oakland Bay and is located outside of navigational channels. Additionally, the Site is over 1,000 feet from the nearest shoreline, allowing for unimpeded navigation and recreational use on all sides of the Proposal. The Proposal is in the location of an area used for log storage, and it is not currently characterized by high levels of public use.

So water recreationists are limited to the "sides" of the proposed area. Where else in Oakland Bay are reereationists limited? Is there a "cumulative impact" here?

Please refer to RCW 90.58.020. We find that Taylor's spin differs from the full intent, which begins: *The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state..... It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto. The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance.*

Lastly, we are taken aback having received a Joint Public Notice from the WA State Dept. of Ecology – USACE requesting comments on this application, *prior to* Mason County's decision *post citizen comments*. This seems disrespectful to Mason County; a lack of respect by Ecology and the USACE for the part Mason County plays in the process. Too, it is not clear if DNR already approved this project. Their lease is supposed to be the last permit given, if a project obtains other permits beforehand.

In conclusion, the OEC believes this application deserves a DS, not a DNS. The project will inject more pollution into Oakland Bay/Puget Sound and grow food for human consumption that could be toxic. The project will change the area's aesthetics. Taylor Shellfish is not limited; the company has shellfish sites throughout Puget Sound and beyond. A cost-benefit analysis must be required by a neutral party that compares the cost of doing

⁴ <https://pubmed.ncbi.nlm.nih.gov/35101694/>

this business with the cost to the marine ecosystem and impacts to wildlife and humans that ingest the oysters. The beneficiary of this operation is Taylor, not the ecosystem nor the residents of Mason County or elsewhere.

Do not accept or perpetuate the myth that this food is needed. It is not. Not only because of its food and ecosystem toxicity, but also because most people cannot afford oysters. The price is not right for the low-income, those most suffering from food and nutrient deprivation. Mason County has cause to deny a permit. Protect your community and not an industrialist's purse.

Darlene Schanfald

Darlene Schanfald, Ph.D.
OEC Board Member
PO Box 2664
Sequim WA 98382
darlenes@olympus.net

May 22, 2023

Mr. Luke Viscusi, Planner
Mason County Community Development
615 W. Alder St.
Shelton, WA 98584

VIA Email: LViscusi@MasonCountyWA.gov

It has come to the undersigned's attention that Taylor Shellfish Farms is seeking a Mason County Substantial Development permit to build a new floating shellfish farm in Oakland Bay.

As former volunteers for the Port of Grapeview, we had enjoyed extensive collaboration with the Taylor Company when the Port was seeking a Washington Recreation and Conservation Office grant to build a new boat complex on Case Inlet in Grapeview. Besides a letter of support to the RCO, the firm contributed significant funds towards the 25% RCO required match.

All of us are well familiar with Taylor Shellfish. Their products are shipped worldwide. Taylor utilizes the Port of Grapeview boat complex almost every workday of the year. Geoducks harvested that day are on their way to Asia that evening.

Taylor employs 500 which is an economic boost for all concerned. They are the leading manufacturing employer in the County.

Attached to this missive are excerpts from the Mason County Comprehensive Plan that was adopted in 2017 and the County's Shoreline Master Program . We respectfully request that these Mason County documents be shared with the hearing examiner.



Glenn Carlson
Former Port of Grapeview Commissioner



Robert A. Pastore
Former member
Port of Grapeview's Strategic Planning Advisory Committee

Cc: Via Email: Mason County Commissioners; County Administrator; Director Community Development

David and Virginia Douglas
1020 E. Sunset Road
Shelton, WA. 98584

Luke Viscusi
Planner
Mason County Community Development
615 Alder Street
Shelton, WA 98584
Email: lviscusi@masoncountywa.gov

Re: Permit Application SHR 023-00003, Taylor Shellfish Substantial Development and Conditional Use Permit

Dear Mr Viscusi:

Please include the following for presentation to the Hearing Examiner. Thank you.

It has come to our attention, after reviewing the Washington State Public Disclosure website that both Ms. Sharon Trask, Mason County Commissioner 3, and Ms. Hilary Franz, State Commissioner of Natural Resources (in charge of potentially granting a 99 year lease to the Taylor Fish Company for rights to the waterway) have both received campaign donations from Taylor Fish Company and/or William Taylor, VP and the Squaxin Island Tribe.

It appears, at the very least, there is room to surmise a significant conflict of interest exists on the part of especially Ms. Franz, with respect to the Oakland Bay/ Taylor Fish Co. proposal. It is our opinion she and her administration cannot handle this transaction objectively due to the financial relationship existing between the parties and it should not be allowed to move forward.

Sincerely,

David and Virginia Douglas
253-208-8683

From: Stacy Goss <sagossgirl@aol.com>
Sent: Tuesday, May 23, 2023 11:23 AM
To: rory.w.lee@usace.army.mil; consumersales@taylorshellfish.com; Luke Viscusi
Cc: ICE Jim Goss
Subject: NWS-2023-305-AQ Name: Taylor Shellfish

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To whom it may concern,

First, the proposal and public notices have been handled so poorly it's suspect and hopefully looked into by many. Change of dates, less than a dozen people receiving letters out of the hundreds that live on the bay and public postings of proposals in areas (50 mph zone with no area to stop and read) not truly visible to the public. This consistent level of approach is obviously by design to avoid and or lessen the overall public's awareness of this project.

When we were looking to purchase our dream home 20 years ago, we knew we did not want to be on a lake because we did not want to stare at another structure in front of us or across the lake. We knew we wanted to be on Puget Sound, the saltwater and the views. Never in a million years did we think that such an atrocity of a structure would even be proposed in our bay.

With approximately four miles long and 3/4 of a mile wide, Oakland Bay is a small but beautiful recreational bay used my many. The thought of a 50 acre structure in the middle of it to grow what is already God given to the bay and cultivated by 21 businesses is downright wrong.

How much more profit does Taylor Shellfish need? Why not put the structure in front of the Taylor families private home? If this structure is approved, house values decrease immensely, which means less taxes to the county. You can't build this in front of waterfront homes and say they retain their value. The country accessor will have to address this and adjust.

What about the recreational boating? Now there's a 50 acre floating business that takes up half the bay?

Ask yourself the simple question of what value this structure would bring that would benefit the entire overall community? I see nothing other than monetary value for one private company with little to zero regard to the community, habitat and its existing ecosystem. Shame on Taylor Shellfish for putting profit before Puget Sound and the people that call it home!

Regards,
Jim and Stacy Goss

May 24, 2023

Mason County
c/o Luke Viscusi, Community Development Planner
411 N Fifth St
Shelton, WA 98584

RE: Oakland Bay Floating Container Project

To Whom it May Concern:

The Shelton-Mason County Chamber of Commerce supports the establishment of a floating container shellfish farm in a portion of Oakland Bay. As the oldest and largest business organization in Mason County, the Chamber recognizes the significant economic and ecological benefits of aquaculture to our community.

The establishment of a floating container shellfish farm in Oakland Bay would provide employment for local residents, both directly through the operation and maintenance of the farm and indirectly through the associated supply chains, transportation, and support services. The increased revenues this farm may generate indirectly contribute to tourism by supporting infrastructure development, accommodations, restaurants, and other tourist-oriented businesses.

Aquaculture also plays a crucial role in supporting the ecological health of our waterways. Oysters are filter feeders, meaning they extract nutrients and contaminants from the water as they feed, thus improving water quality. The use of floating containers allows for efficient and sustainable farming practices, minimizing the impact on the seafloor and reducing the risk of contamination from excess nutrients or chemical runoff. Oysters shells also offer the value of carbon sequestration.

Considering the significant economic and ecological benefits, we fully support this application for the establishment of a floating container shellfish farm in a portion of Oakland Bay. Furthermore, we are confident that Taylor Shellfish will be a responsible operator, mindful of the community's needs. They have continually demonstrated their commitment to environmental stewardship and corporate citizenship.

Thank you for carefully considering this matter. We urge you to approve this application.

Sincerely,



Deidre Peterson, President/CEO
deidre@masonchamber.com
(360) 426-2021

From: Howdy Friend <redleg73@outlook.com>
Sent: Friday, May 26, 2023 3:01 PM
To: Luke Viscusi
Subject: RE: DATE CHANGE: PUBLIC HEARING FOR TAYLOR SHELLFISH OAKLAND BAY PROPOSAL (SHR2023-00003) CHANGED TO JUNE 14, 2023

Caution: External Email Warning! This email has originated from outside of the Mason County Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, DO NOT DO SO! Instead, report the incident.

Hi Luke, I'm not sure if I should send you or another action officer my comments and concerns related to this subject matter. Please let me know if I need to send to someone else. Thank you!

Below are some of our Specific Comments and Concerns (not inclusive):

1. **HEALTH AND WELFARE OF THE PEOPLE:** I'm a Disabled Veteran that suffers from chronic disabilities. I bought this property in 2017 to provide me and my family with some serenity and calmness in regards to the beauty, comfort, and aesthetics. etc. of this awesome and peaceful Bay. This 9.1 acre (50 acre in volume) floating Oyster Farm would have a adverse negative impact on the health and welfare of myself and my Family.
2. **RECREATION:** Where the Floating Oyster Farm is projected to be placed, is directly in front of our property and approximately the Southeast Corner of the farm is the closest part to land, which is in front our property. This is where my family and friends water ski, inner tube, boat, fish, and conduct water activities. Sail boat and Wind surfers will also be adversely impacted.
3. **SEA LIFE AND BIRDS:** Where the Oyster Farm is going, is where seals, sea otters, and sea birds hang out and fish. This forces this sea life closer to shore which impacts their safety and hunting. This will create a cause and effect to other eco systems.
4. **SAFETY:** With the boating activity in the Bay this will create a safety hazard to the Boater's and People conducting water activities. Debris from this Floating Oyster Farm, and the possible failure of the structure could be catastrophic to water goers or people conducting water activities in the Bay or near the shorelines.
5. **SHORELINE ERROSION:** With this being a year around 5 day working operation it's going to have an adverse impact on our shorelines and banks (bank collapse).
6. **TIDELANDS:** Our tidelands are abundant with Steamer Clams which recently have been being taken over by Oysters. This Oyster Farm will increase this alarming effect on our Tidelands. It potentially could bring in additional disease thus impact our owned clam beds. What will be the impact to seaweed and other problems created by this type of farming?
7. **WATER QUALITY:** Water quality has to be adversely impacted with a 50 acre Oyster facility in such a small Bay.
8. **PROPERTY VALUES:** Will be dramatically impacted in a negative way in regards to ALL what we Listed Above (i.e., health and welfare of people, recreation, aesthetics, safety, shoreline and bank erosion, tideland clams, etc.). Who's going to compensate the properties owners for the loss of property values? Who's going to compensate us for the adverse impacts on the mental/physical health and welfare of the property owners, and to our families and friends who use this bay?

Finally, this project has LITTLE TO NO regard to the property owners, neighbors, sea and wild life, community, and user's, etc... of this beautiful and tranquil Salt Water Bay. This should NOT be approved and stopped immediately. We request that you share our pass on our comments and deep concerns in total. Your support would be greatly appreciated! Respectfully, Tom and Melanie Nevares. 253-732-0505

May 27, 2023

RE: Taylor Shellfish Farms/Oakland Bay Floating Culture Proposal, Shelton, WA

As a long-time resident of the Oakland Bay area of Shelton, WA, I was deeply distressed to hear the news of the proposed Taylor Shellfish Farms Oakland Bay Floating Oyster Bag Culture array for purposes of raising oyster seed & farming oysters. This large-scale endeavor would encompass a large portion of the water in front of many waterfront homes in the area, affecting the views of all the residents, and affecting the residential value of their properties. Many of the residents of the Oakland Bay area have chosen to invest in their properties by updating and/or remodeling, hereby enhancing the value of said property, thereby resulting in higher taxes to the county. Would this unsightly oyster bay contraption affect those values. I believe it would. Mason County would receive a lot less tax revenue. It might be interesting to know the amount the DNR would charge for the lease of these waters; and the Mason County taxes that Taylor Shellfish would be required to pay if the lease was approved for the proposed Oyster Bag Floating Array.

The loss of use and negative ramifications of the floating oyster bag array regarding recreational uses on the water can not be underestimated. It would seriously impede boaters, water skiing, canoeing, kayaking, etc.

In this time of many threatened species, I find it ironic that Taylor Shellfish is proposing such a grandiose project that will definitely have an adverse effect on the ecosystem and wildlife of this fragile Bay & estuary. Can you imagine killer whales, salmon, seals and other sea creatures trying to navigate their way through the maze of unending thousands of feet of suspended floating plastic mesh bags? The impact from this project would monopolize and overwhelm the shallow bay, thereby polluting the water with an exorbitant amount of oyster feces. The unnaturally large number of oysters will also rob other wildlife of their food sources. The hanging bag array will have a negative effect on the already established minimal flushing of water, (ingress/egress) from the shallow bay, affecting oxygen levels in the water. There is the issue of plastic from hundreds of bags & ropes leaching into the water. Marine life could be caught up in plastic mesh bags that have come loose and drown. Would no net loss be upheld in this instance? The existing condition of shoreline ecological functions should remain the same as the SMP (Shoreline Management Program) is implemented. The no net loss standard is designed to halt the introduction of new impacts to shoreline ecological functions resulting from new development. As much as possible, shorelines should be reserved for "water-oriented" uses, including those that are "water-dependent", "water-related", and for "water enjoyment." The SMA states that the interests of

all the people “shall be paramount in the management of shorelines of statewide significance.” The SMA establishes the concept of preferred shoreline uses, including controlling pollution, preventing damage to the natural environment, or are unique to or dependent upon use of Washington’s shorelines.

The environmental impact of this proposal should not be underestimated. Let us safeguard our natural environment and preserve the future of Oakland Bay for all the people. The vitality of Oakland Bay is dependent on us to be the stewards and caretakers of our precious waters, not the destroyers.

Kathy Kent-Lanning
Shelton, WA

Luke Viscusi
Mason Co. Shoreline Planner
Mason Co. Services

5/31/2023

Luke,

I would like to voice my opinion and feel as many other people we have talked to in regards to Taylor Towns application to use public water ways to enhance their company for profit.

I am looking forward to the meeting to see what the Corps. of engineers have come with in making their decisions. We live on Hammersley Inlet and it was 2 yrs. in process to grow oysters on our tidelands. After 2 1/2 yrs our leasee gave up because of the extended time it was taking. Interesting how quickly this is progressing.

Other concerns are for the effects of growing such as pollution, contamination, blocking our water ways and the noise level of pumps running. Noise travels on water and where we are we can already hear noise from Oakland Bay. Not to mention an eye sore,

The waterways belong to the people of Washington. It is also a concern and should be talked about to the public to what extent the tribe is involved in negotiations, because once again this is only to benefit a corporation.

Lastly a question of will this be the start of all our waterways going to business for profit.

So my family is against this application and if it were to go to a vote of the people I believe it would be rejected.

Richard McCarthey
381 E Valley Rose
Shelton Wa. 98584

June 4, 2023

Jordanne Krumpols

Shelton Parks and Receptions

Dear Jordanne,

As you may know Taylor Shellfish has applied for a 99-year lease to grow oysters on a 1500 ft long 10-acre floating island in the middle of Oakland Bay. I am opposed to this structure for aesthetic, and conservation reasons. What I would like to see is an open bay which remains available for everyone's recreational use. Wouldn't it be wonderful if you could offer sailing, kayak, canoe, SUP camps and fun day competitions? As a retired pediatric nurse, I appreciate activities that engage youth and families.

Please share this information, write letters and attend the hearing June 14, 2023 at 1 PM, 415 N 6th St, Shelton. Send letters to Luke Viscusi, lviscusi@masoncountywa.gov. Thank you for your time.

Nancy Willner MN RN

253.670.1922

friendsofoaklandbay23@gmail.com

6/6/23

Luke Viscusi, Planner

Mason County Community Development

615 W. Alder

Shelton, WA 98584

RECEIVED

JUN 07 2023

615 W. Alder Street

In the 1950's there was a citizens against the pollution in Oakland Bay from sludge caused by the pulp mill. My father-in-law was included with other landowners in the court case. After the pump mill finally left Shelton, the bay cleaned up. Then the bay was very nice again. Why do we want to be in favor of more pollution?

Secondly, the view here is very peaceful and pretty. Everyone who comes here says "what a beautiful view." We pay high taxes every year for the privilege of living here. I would hate seeing floating plastic around.

Won't the sealife get caught in it? And letters to the editor in the Mason County Journal mention declining property values!!

Mrs. Robert M. Stevens and family

2848 E. St. Rt. 3

Shelton, WA 98584

Mrs. Robert M. Stevens

The Fishermen's News

Vol. 13, No. 22

VOICE OF THE PACIFIC COAST FISHERMEN

Published at Seattle, Washington

Thursday, November 21

Japanese Deny American Salmon Take on High Seas

Seattle Hearings Hit Japanese High Seas Threat

The Fish and Wildlife Service wound up three days of hearings in Seattle last Friday with two situations foremost, the uncertainty of pinks in Southeastern and the Japanese threat to the Bristol Bay Resource.

The Bureau of Commercial Fisheries Chief Donald McKernan was on hand and expressed deep concern over the Japanese fishery in 1958 and what might be done by the Service to assure escapement. As McKernan saw it there were two choices:

1. Close down the Bay to American fishermen entirely, thus giving better assurance of escapement.
2. Attempt to tailor regulations on the basis of escapement, assuming the Japanese might have the same successes they experienced in 1957.

For Southeastern Alaska the Service frankly admitted a serious conflict for pink predictions. Escapement figures for the cycle point to a big 1958 season and it was on this evidence that the Service suggests a relaxation of the strong measures put into effect by then FAWS director John Farley in 1954.

On the other hand the relatively



PULP SLUDGE — Bob O. Bower (right) author of this issue's "Clean Waters" article, stands ankle deep in pulp sludge in Oakland Bay. With him inspecting oyster progress (or lack of it) are Richard Boughner (left) former field engineer, Pollution Control Commission, and oysterman Martin Stevens. Oystermen, particularly hard hit by pulp mill wastes, have led the

U.S. Leaves B.C. Meet Empty-Handed Canadians Fail to Back Our Demands As Japs Refuse to Halt Salmon Takes

The International North Pacific Fisheries meetings ended in Vancouver, B. C., the first week of November with U. S. delegates ending with no satisfaction following their charges of Japanese interception of Bristol Bay red salmon runs.

Though an advisory committee was recommended by the U. S. Secretary of Commerce to begin immediate studies on the problem and report findings and recommendations at the "earliest possible date," little hope was expressed for any action of consequence through the machinery of the commission itself.

Magnuson Sets Seattle Hearing

Sen. Warren G. Magnuson, chairman of the Interstate and Foreign Commerce Committee, announced in Seattle late last week that his committee would hold a Seattle hearing November 27 to particularly discuss the Japanese North Pacific high seas salmon fishery.

The meeting, at the request of nearly every phase of the salmon industry,

Fishermen and industry members unable to attend the November 27 hearing are urged to submit letters, statements and briefs to the Senate Committee for insertion in the record.

The hearing, which will be held in room 414 of the U. S. Court House beginning at 10 a.m.

Three subjects will be discussed at the hearing, the Senator's office said. 1. The Japanese high seas net fishery and its relationship to American fleets.

Biggest surprise at the Commission meetings was the failure of Canada's delegation to force support the American position on the question of the Japanese high seas net fishery. Some advisory board members returned to their homes bitter at the Canadian lackadaisical attitude.

Koh Chiba, head of the Japanese delegation, despite the presence of near conclusive evidence from the American Research Team, denied that the Japanese fishermen are intercepting North American salmon in the Pacific.

"If this intermingling of salmon has become a problem, it is certainly a new problem as far as we are concerned," Chiba declared.

son and it was on this evidence that the Service suggests a relaxation of the strong measures put into effect by then FAWS director John Farley in 1954.

On the other hand the relatively new, but thus far accurate, method of counting downstream fingerlings gave no indications of optimism for 1958.

The Service on the basis of its escapement counts is presenting a three point program for Southeastern:

1. Allow drums and power blocks for seiners.
2. Reduce the size of some stream mouth sanctuaries where seining will not jeopardize escapements. Suggested are Seymour Canal, Port Houghton and Traitors Cove.
3. Ameliorate the 50 per cent effectiveness reduction formula for traps, perhaps permitting up to 60 per cent of former combined effectiveness.

The Seattle hearings revealed activity on nearly every point, though there was evidence of virtually no opposition to the proposal for allowing the Puretic Power Block into the Territory.

Industry Pleased

The Alaska Salmon Industry, Inc., represented by J. Steele Culbertson, happily welcomed the prospect of the 20 per cent traps increase; fishermen
(Continued on page 2)



In This Issue

Don't miss the account in this issue of Lee Alverson's trip to the World Fishing Gear Congress at Hamburg, Germany, particularly the expansion evidence of the Russian long-range, deep sea trawling fleet, and a hint of "Sputnik" intrigue involving the FAWS "John N. Cobb."



PULP SLUDGE — Bob O. Bower (right) author of this issue's "Clean Waters" article, stands ankle deep in pulp sludge in Oakland Bay. With him inspecting oyster progress (or lack of it) are Richard Boughner (left) former field engineer, Pollution Control Commission, and oysterman Martin Stevens. Oystermen, particularly hard hit by pulp mill wastes, have led the fishermen-sportsmen battle in recent years for "clean waters."

The Fight For Clean Waters

TIME TO GO TO COURT!

By BOB O. BOWER

Vinton Bacon, secretary of the Northwest Pulp and Paper Association, maintains that his organization was formed for the sole purpose of working on the control of wastes which are discharged to air and water.

The articles of incorporation of the Association, however list their first objective "to conduct educational programs to acquaint the public with the social, economic and financial significance of the pulp industry to the Pacific Northwest." To this purpose they are true.

Commercial and sports fisheries interests do not deny the great economic significance of the pulp industry. We do deny their right, however, to continue to use the water courses of the state as industrial sewers.

The Northwest Pulp and Paper Association says the most serious problem facing us today is in defining the nature of pollution. The dictionary says that the word comes from two Latin words meaning to "wash forth" and the first meaning is to "make unclean."

Guest editor Bob O. Bower forsook a position with the U. S. Air Force as an instructor back in 1945 to enter the oyster business. Associated with Ellison Brothers Oyster Company, he is now manager of that firm. His interest in the "fish that's shaped like a nut" has taken him to the position of Secretary-Treasurer of the Oyster Association and presently as vice-president. As chairman of that group's Pollution Committee, he has studied his subject thoroughly and is recognized within the industry as a top-layman authority.

The pulp mills are "washing forth" 400 million gallons of toxic wastes into Washington waters every day. Four hundred million gallons daily of this "värnish remover" —try some on your desk.

After a thorough study of some 30 years of accumulated data from studies and investigations, the Washington Department of Fisheries recently came up with two recommendations for pulp mills.

1. Pending a permanent solution to pollution problems, mills should barge highly toxic and oxygen demanding digester liquor to waters where the materials can be released with minimum damage to aquatic life.
2. Join with the Department of Fisheries in contributing technical and financial assistance to fish cultural operations designed to improve and replace populations of fish that that have been damaged or destroyed by pulp mill operations.

Though pulp interests express an avid interest in both of these programs as recently as October 8 of this year, the Simpson mill at Lowell asked a year's extension to their pollution permit so that they could conduct the necessary biological research to prove that there is no pollution from their mill!

(Continued on page 3)

the U. S. Court House beginning at 10 a.m.

Three subjects will be discussed at the hearing, the Senator's office said.

1. The Japanese high seas net fishery and its relationship to American fleets.
2. Predators, bounties for which are asked in a bill which the Senator introduced last session and set for consideration in 1958.
3. Amendments to the Fishermen's Protective Act to give the same protection against vessel liability and personal injury as provided now for owners in securing reimbursement for fines levied.

How many Committee members would be present was unknown at presstime, but interested Congressmen in the area are to be invited to sit in, the Senator declared

↓

Columbia Silvers Up Over Parent Cycle

The 1957 Columbia river silver catch was headed toward a better mark than its parent 1954 run but still well below the average prior to 1952, according to the Washington Department of Fisheries.

Average silver catch prior to 1953 was about 110,000 fish.

The 1957 figure through late October was pegged at 35,800 fish, with the Department of Fisheries estimating it about 70 per cent complete.

Previous silver catches are as follows: 1953 catch, 46,395 fish; 1954, 30,857; 1955, 62,992; 1956, 52,208; 1957, 35,800.

tercepting North American salmon in the Pacific.

"If this intermingling of salmon has become a problem, it is certainly a new problem as far as I am concerned," Chiba declared.

Though rumblings were increasing within the fishing industry, cannery equalling fishermen and in some cases exceeding their cry, little concrete planning was noted at press-time. There was no doubt that a plan would be formulated though what course it might take was still pure speculation.

Senate Hearing Set

Most phases of the industry were looking with hope toward the hearing scheduled by Sen. Warren Magnuson at Seattle on November 27 as a possible gathering place for interested parties with action to be planned at that time or at a later date.

The Association of Pacific Fisheries-National Cannery Association joint convention on Veterans Day, November 11, smacked of anything but "armistice" talk. The cannery agenda was laden with talks of the Japanese fishery. Milton E. Brooding, chairman of the American section of the North Pacific Treaty, apologized repeatedly during his speech for the "apparent failure" to secure protection at Vancouver.

"The United States Commission-
(Continued on page 3)

NOW! NEW TIME!

The Fishermen's News

Coffee Hour

7:30 a. m. - 8:30 a. m. Monday - Friday

at the WHARF RESTAURANT

FISHERMEN ESPECIALLY WELCOME

The Daily Olympian

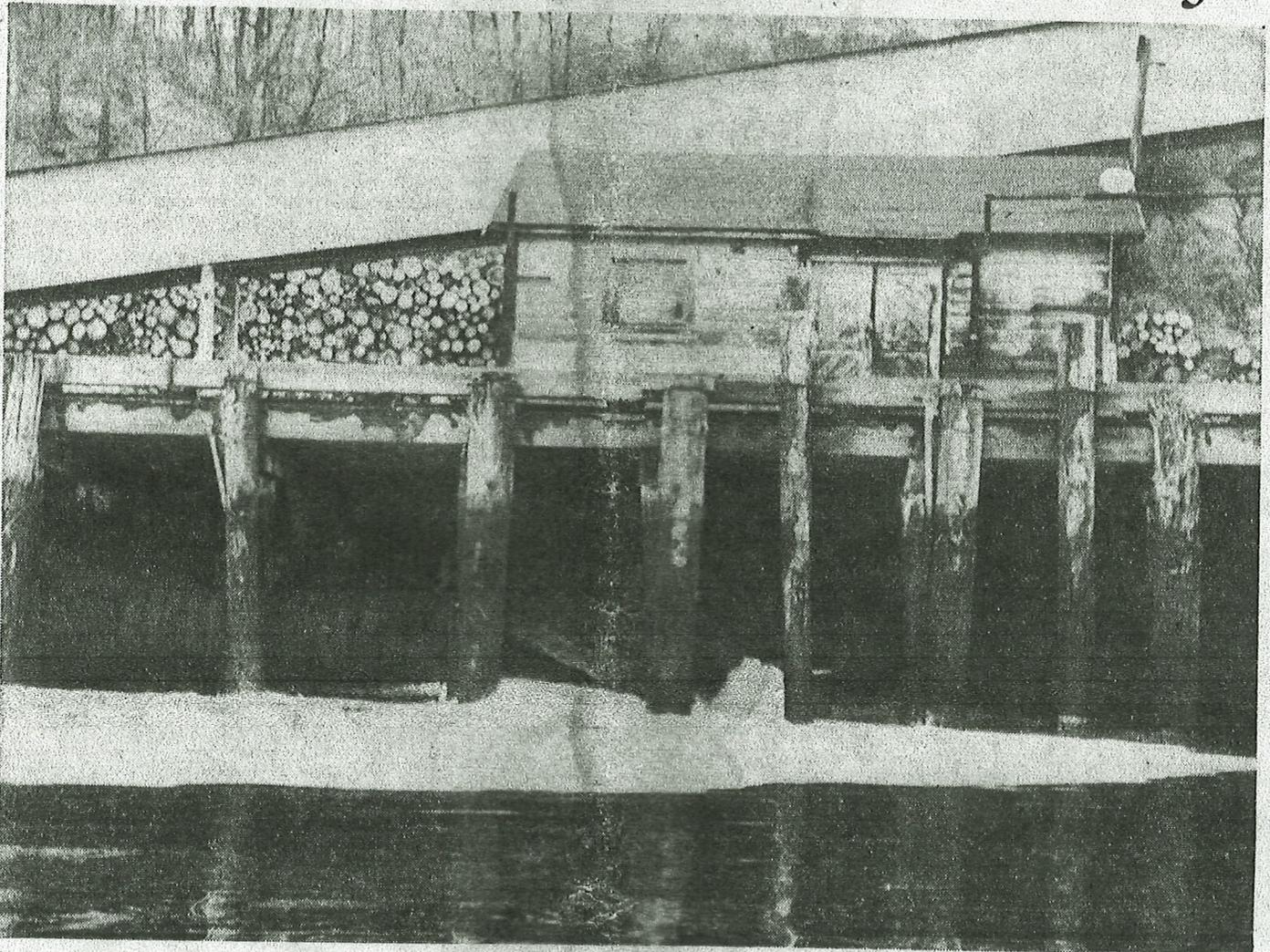


Serving Southern Puget Sound Area

Olympia, Washington, Tuesday, April 17, 1956

Oyster Growers Urge Fight

Liquid From Pulp Mill Flows Into Bay



Flooding into Shelton's Oakland Bay twenty-four hours a day is a river of brownish water that comes from a huge pipe running east from the Rayonier pulp mill. The liquid gushes into Oakland Bay, creating a blanket of thick white foam on the water. The tea-colored stream moves into the tidal current and into the bay. This tremendous volume of waste is a matter of grave concern to Olympia oyster growers. The outflow of foamy brown water from the mill is shown in the above picture. This is one of three holes in the pipe from which the material floods into the Shelton bay. (Daily Olympian photo.)

SHELTON (Special) — Several boatsmen Sunday cruised into the Rayonier estuary on Shelton's Oakland Bay and beheld a river of brownish fluid gushing from a huge pipe leading from the pulp mills. The voyageurs included Glenn E. Correa, Shelton attorney, and Dan Lynch, Little Skookum Bay, one of the Olympia oyster growers who are trying to determine what is affecting the growth of shellfish in the area. They were taking a first hand look. When the river of browning water flowing from the tube hounded

Discovery Of Viruses Aids Disease Search

Black Magic Victim Lives In Iron Lung

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June 9, 2023

VIA EMAIL and US Mail

TO: Luke Viscusi, Planner Mason County Community Development: LViscusi@MasonCountyWA.gov

**RE: Permit Application: Taylor Shellfish Farms (Oakland Bay Floating Culture) NWS-2023-0305-AQ
SEPA Comments on Application of Taylor Shellfish for Shoreline Substantial Development and Shoreline
Conditional Use Permit (SHR2023-00003)**

Dear Mr. Luke Viscusi,

Friends of Burley Lagoon (FOBL) is writing to urge you to deny the Taylor Shellfish permit request for the Oakland Bay Floating Culture. FOBL is concerned about the rapid expansion of aquaculture throughout the Puget Sound. This is a project of unprecedented size, never before permitted in this area. Our concerns are:

- 1) Recreation in Oakland Bay will be negatively impacted. For example, both swimmers and recreational marine vessels will no longer have access and freedom to navigate east to west across the bay. Use of the bay by youth would be significantly curtailed, as the novice would likely be unable to navigate safely. The size of the structure is so significant and would overtake the deepest channel in the bay. According to the Shoreline Management Act, recreation is a preferred and equal use of the water and cannot be compromised.
- 2) The proposed structure poses an obvious hazard, not just for humans, but also for sea life, including our Southern Resident Killer Whales who have been known to feed in the area. It cuts off a massive space for the large marine mammals who would have to navigate this unnatural structure. Putting a roadblock like this in their normal path, takes away their space in the water, and may result in them avoiding the area completely.
- 3) SEPA states the value of aesthetics and "a view" is important, with the expectation that proposals avoid aesthetic impacts, minimize view obstructions, and preserve the character of an area. The SEPA Checklist states "The 'viewshed' is highly valued by persons recreating, traveling, working, and/or living in a proposal's area" (SEPA Checklist Guidance, Section B, Aesthetics, Section 10C). As an imposing structure in the middle of Oakland Bay, the view for residents would be severely impacted. The structure would be twice the size of a Nimitz class aircraft carrier in a section of the bay that is $\frac{3}{4}$ of a mile wide. The peaceful tranquility and reflections in the water would be destroyed - marred with lines and bags. The sense of place would be lost.
- 4) There are instances requiring the need of emergency services accessed by water. A fireboat having clear access to residential homes can be the difference between saving or losing a home, and even lives. With the structure only 1300 feet from the shoreline, access would be severely diminished.
- 5) Additionally, the imposing size of the structure would unnaturally shade a significant portion of the subtidal area, impacting the growth and development of a natural estuarine ecosystem. Residents are blocked from building docks and piers for this very reason.
- 6) Because the proposed structure is an admitted navigational hazard (see point 1), lights will be required to shine all night long to prevent collisions. This light pollution will completely change the character of the

rural neighborhood and its night sky. When Taylor operates at night, the headlamps and additional artificial light sources would further perpetuate the issue by shining directly into homes.

- 7) Taylor admits to the possibility of adverse ecological impacts. There have not been enough studies set forth to consider the cumulative environmental impacts of the area. With 90 anchors placed in the tidelands, and a structure that spans 50 acres, the footprint would be enormous. Each line would be using plastic mesh bags which have a failure threshold, and emerging studies show that microplastics are pervasive. The ecological impacts are too significant to dismiss.
- 8) In addition to microplastics, loose debris from the mesh bags must be assumed. Burley Lagoon residents (where Taylor is currently operating) have documented a constant battle with aquaculture debris, including mesh bags, found on the tidelands, wetlands, and in the grasses along the shoreline.
- 9) Taylor intends to move the structure for a few weeks yearly to accommodate fishing access for the Squaxin Island Tribe. However, its extended, static placement the remainder of the year will impact salmon and other documented species including salmonids, several species of rock fish, forage fish, Pacific sand lance, surf smelt, flat fish, sculpin, starry flounder, Pacific sanddab, and surf perch. As an integral part of the marine food web, the endangered salmon feed on forage fish and are vital for the health of the Puget Sound.
- 10) Loss of feeding habitat also affects many avian species. Being on the migratory flyway, this area is crucial to supporting birds that must rest and eat to continue their migration. The loss of 50 acres is significant and could force the birds to abandon the bay or if they stay, run the risk of becoming entangled in the plastic mesh bags.
- 11) Taylor admits to ecological impacts regarding water circulation by adding culture gear in a low-flushing and low-energy environment. Such a large obstruction to the water circulation cannot be mitigated.

In the past several years we've learned much about the cumulative effects of climate change. We're at a tipping point. Oakland Bay doesn't exist in a vacuum. Changes to it affect the Puget Sound, Pacific Ocean, and beyond. We implore you to deny the Taylor Shellfish permit request for the Oakland Bay Floating Culture.

"At any point in time the world we see is somewhere in between being created and being destroyed. It is seldom static, which is why if there are things we cherish about the present, it is on us to preserve them."

- Raymond Zhong, New York Times Climate Forward, June 6, 2023

Sincerely,

Friends of Burley Lagoon Board
board@friendsofburleylagoon.org

**Please confirm receipt of this document.*



June 13, 2023

*Protecting and
Preserving
Puget Sound*

130 Nickerson Street,
Suite 107
Seattle, WA 98109

P 206.297.7002

F 206.297.0409

www.pugetsoundkeeper.org

Luke Viscosi
Mason County Planner
Mason County Department of Community Development
615 W Alder St,
Shelton WA 98584

Sent via email only: LViscusi@masoncountywa.gov

Re: Oakland Bay Floating Culture, Habitat Management Plan for Taylor Shellfish Farms

Dear Mr. Viscosi,

Puget Soundkeeper (Soundkeeper) has reviewed the habitat management plan and has some questions regarding how plastic debris pollution will be controlled in the project.

The contribution of commercial shellfish aquaculture to plastic pollution is not well understood, and research on this topic is still limited. However, there are a number of studies suggesting that shellfish aquaculture may contribute to plastic pollution in coastal environments.

While off-bottom oyster farming methods may have positive environmental aspects, it is important to consider site selection, monitoring, and management practices to minimize any potential localized impacts. Additionally, careful attention should be given to waste management, ensuring that any debris or materials associated with oyster farming are properly managed to prevent pollution and entanglement hazards for marine life.

The habitat plan makes the statement that “Gear includes synthetic and nylon lines, UV-resistant HDPE floating bags, wedge anchors, and screw anchors, all which would have no negative effect on water quality.”

Soundkeeper has been contacted in the past by Washington State residents that have come across such commercial aquaculture debris in the environment. As we are involved in many cleanup activities in Puget Sound, we are concerned that generators of plastic and synthetic debris need to take this issue more seriously

and understand that the hydrophobic properties of these materials, which can attract and bind to certain toxics, do make them a water quality concern.

Soundkeeper urges Mason County to use its authority, in coordination with other responsible stakeholders, to create and implement robust processes and requirements to mitigate pollution from the proposed project and protect water quality and minimize the impact of plastic pollution on coastal ecosystems and human health. At a minimum, the following seven strategies should be implemented.

Soundkeeper requests a response to each of the following seven strategies that explains: 1) how it and any alternatives have been considered; 2) how and to what extent it will be implemented; and 3) how it will be monitored and enforced.

1. Proper waste management: Implementing effective waste management practices is crucial. This includes regular removal of accumulated debris, shells, and other waste materials from the floating bed systems. Waste should be appropriately disposed of or recycled to prevent pollution and minimize the risk of entanglement for marine life.
2. Minimizing use of plastics: Reduce the use of single-use plastics in oyster farming operations. Explore alternatives to plastic bags, containers, and other equipment, opting for more sustainable materials whenever possible. This helps to reduce the potential for plastic pollution in the marine environment.
3. Regular maintenance and inspections: Conduct routine inspections of the floating bed systems to identify and address any damage or deterioration. This can prevent equipment or structures from breaking or disintegrating, reducing the risk of materials entering the water and becoming pollution.
4. Responsible chemical use: If any chemicals are used in oyster farming operations, such as antifoulants or disinfectants, ensure responsible use and follow recommended guidelines. Use chemicals sparingly and choose environmentally friendly alternatives whenever feasible. Properly store chemicals to prevent spills or leaks that could contaminate the water.
5. Monitoring water quality: Regularly monitor water quality parameters such as dissolved oxygen levels, nutrient concentrations, and overall water clarity. This helps to detect any potential pollution or negative impacts resulting from oyster farming activities. Implementing monitoring programs can provide early warning signs and enable appropriate action to mitigate pollution.

6. Site selection and zoning: Carefully consider the location of oyster farms in relation to sensitive or high-traffic areas for recreational use. Zoning regulations can be implemented to designate suitable areas for oyster farming while minimizing conflicts with recreational activities.

7. Public awareness and education: Raise awareness among oyster farmers, workers, and the local community about the importance of pollution mitigation and responsible practices. Educate them about the potential environmental impacts of oyster farming and the steps they can take to minimize pollution. Encourage collaboration and communication between stakeholders to address concerns and find solutions.

Finally, if this project is going to be implemented, Soundkeeper requests that a study be included that tracks project debris and its impacts in the Bay and the ecosystem it supports.

Thank you for your consideration and we look forward to the public hearing on the proposed project, currently scheduled for August 9, 2023.

Sincerely,

A handwritten signature in cursive script that reads "Emily Gonzalez".

Emily Gonzalez
Staff Attorney, Director of Law and Policy
Puget Soundkeeper Alliance
emily@pugetsoundkeeper.org

Luke Viscusi

From: Christine Appleyard DVM <chbapple2@att.net>
Sent: Tuesday, June 13, 2023 11:21 PM
To: Luke Viscusi
Subject: Question Received from the Mason County Website -

Categories: This message has been archived by Retain on June 17 2023 00:34

Caution: External Email Warning! This email has originated from outside of the Mason County Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, DO NOT DO SO! Instead, report the incident.

From: Christine Appleyard, DVM
Dept Sent To: Luke Viscusi
Message: Dear Mr. Viscusi,
Regarding: Proposal by Taylor Shellfish for commercial aquaculture site in Oakland Bay.
Greetings.

As a resident of Shelton, I have become aware (via Shelton Mason County Journal) of Taylor Shellfish Company's request for allowing them to operate an extensive aquaculture site here in our bay. I am aware that the public hearing regarding this has been moved from this month to August 9. Please provide me with the environmental impact statements that this would have on our waters. I would appreciate any information you have regarding this proposal.

I DO OPPOSE THIS PROPOSAL. It would have detrimental impacts on our waters that would not be recoverable. It would interfere with the recreational opportunities that so many enjoy. It would be an eyesore to those that have waterfront properties and those of us who enjoy the beautiful vistas available to us all.

As part of a local community, as a nation and as part of a global community, we need to foster the health of our global environment. One does not need to look far for the damage we have inflicted on our planet. This nurturing begins right here in Shelton for us. Protect our Oakland Bay. DO NOT ALLOW TAYLOR SHELLFISH THIS LEASE.

I look forward to receiving your response and the information regarding this issue.
Sincerely yours,
Christine Appleyard

Attention: Rory Lee

4735 E. Marginal Way S, Building 1202

Seattle, Washington, 98134-2388

Regarding: NWS-2023-0305-AQ, Taylor Shellfish Farms (Oakland Bay Floating Culture)

Mr. Rory Lee,

Please accept the following comments on the Public Notice for a Department of the Army Permit, Taylor Shellfish Farms Oakland Bay Floating Culture project.

We urge you to reject the proposal of Taylor Shellfish Farms to install a floating oyster bag system across a 50-acre site on Oakland Bay in Mason County Washington. Reasons for rejection are several, and are detailed as follows.

1. The proposed project is inconsistent with policies of R.C.W. 90.58, as well as policies and procedures of Use Regulations of the Mason County Shorelines Master Program.

Taylor Shellfish Farms contends that the proposed use will be consistent with the policies of R.C.W. 90.58 and the policies of Use Regulations of the Mason County Shorelines Master Program, stating:

The project is consistent with the policies and procedures of the SMA. The policy of the SMA is “to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.” RCW 95.58.020. To achieve this policy, the SMA expresses a preference for uses that “are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state’s shorelines.” Id. The project satisfies both these components. Because it is for the cultivation of shellfish seed that depends on nutrient-rich marine waters for food, the project “cannot logically exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation.” WAC 173-26-020. Additionally, as set forth in the Habitat Management Plan included with the application materials, the project has been carefully designed to control pollution and prevent damage to the natural environment, and it will fully comply with the 2016 Endangered Species Act & Essential Fish Habitat programmatic consultation for shellfish activities in Washington State inland marine waters.

The project is also consistent with the policies of the SMP, which recognize aquaculture is a preferred use of statewide interest that can provide long-term benefits and protect shoreline ecology; give priority to aquaculture uses in areas well suited to this use; encourage aquaculture for the economic benefits it provides; and provide that aquaculture activities should limit potential negative aesthetic, ecological, and use impacts. MCC 17.50.210(a).

This contention is fundamentally flawed. Taylor Shellfish Farms misinterprets the policy of the Shoreline Management Act (SMA) in Washington State by claiming out of context that this proposed commercial aquaculture project is a preferred use and in the “interest of all of the people” (RCW 95.58.020). The correct context is clearly described within the SMA as an order of preference for uses:

- (1) Recognize and protect the statewide interest over local interest;**
- (2) Preserve the natural character of the shoreline;**
- (3) Result in long term over short term benefit;**
- (4) Protect the resources and ecology of the shoreline;**
- (5) Increase public access to publicly owned areas of the shorelines;**
- (6) Increase recreational opportunities for the public in the shoreline;**
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.**

Contrary to the SMA’s clear order of preference for uses, the Taylor Shellfish Farms project:

- 1) is a use of the shoreline with local, not statewide interest;
- 2) features an immense system of floating oyster bags laid out over 50 acres of Oakland Bay, covering one-third of the Bay’s width, that will greatly alter the natural character of the shoreline;
- 3) has only short-term benefits, accruing only to Taylor Shellfish Farms, while long term, negative impacts to the ecology of Oakland Bay are likely (see 4 below), and diminishment of property values to Oakland Bay property owners is certain;
- 4) has unknown, undescribed, or inaccurately described, negative impacts on the resources and ecology of the shoreline (e.g., alteration of fish migration, loss of marine foraging habitat for seabirds, disruption of marine mammal (orcas, seals) feeding behavior, interrupted tidal flow and currents with impacts to natural oyster spat distribution) overlooked or purposefully ignored by Taylor Shellfish Farms;
- 5) will dramatically decrease access to publicly owned areas of the shoreline;
- 6) will remove a major part of Oakland Bay to public recreational use; and,
- 7) is proposed with the unfounded assumption that no other design elements as defined in RCW 90.58.100 may be deemed appropriate or necessary.

Taylor Shellfish Farms claims the proposed project is consistent with policies of the SMP, but that claim addresses only a limited set of SMP policies; Taylor Shellfish Farms fails to address or demonstrate compliance with other equally important policies of the SMP, including:

Ecological Protection, Critical Areas, No Net Loss policies (17.50.110) –

“This program aims to protect against adverse effects on the public health, on the land and its vegetation and wildlife, and the waters and their aquatic life by:

- i. Requiring that current ecological functions be identified and understood when evaluating new uses and developments;***
- ii. Requiring adverse impacts be mitigated in a manner that ensures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. “No net loss” means that existing shoreline ecological functions are not degraded as a result of new development. This can be achieved through mitigation which involves first avoiding the impact altogether, then minimizing impacts where possible, and then replacing or compensating for unavoidable loss of functions and resources.***
- iii. Ensuring that all uses and developments regulated under the Act, including preferred uses and uses that are exempt from a Shoreline Substantial Development Permit, will not cause a net loss of shoreline ecological functions.”***

Taylor Shellfish Farms has not demonstrated that current ecological functions associated with the proposed new use and development have been identified and understood. Taylor Shellfish Farms appears to be avoiding potential impacts altogether by failing to identify or demonstrate understanding of the complex ecological function of the 50-acre project site portion of Oakland Bay as required by the

SMP, claiming without evidence that impacts of the project will be minimized, and thereby evading mitigation requirements of the SMP.

Economic Development policies (17.50.115) –

“Encourage economic growth through economic activities that benefits the local economy and are environmentally sensitive. Such activities should not disrupt or degrade the shoreline or surrounding environment.”

As with SMP policies of 17.50.110, Taylor Shellfish Farms fails to provide evidence, such as cost: benefit analysis or economic assessment, to demonstrate that the project will result in economic benefits to the local economy. Taylor Shellfish Farms clearly contributes economic benefits to Mason County, but the net increase in economic benefits derived from the proposed project are not identified. As discussed above with SMP policies of 17.50.110, Taylor Shellfish Farms has not demonstrated that the project will not disrupt or degrade shoreline ecological function.

Property Rights policies (17.50.135) –

“This Program should not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.”

Taylor Shellfish entirely ignores or avoids this SMP policy, and the potential negative impact on local property owners with the proposed 50-acre project that will cover approximately one-third of the Oakland Bay water viewscape that makes waterfront properties in this area so attractive and expensive. Studies are available to base assessment of property values and the potential loss (e.g., “property values may be influenced by proximity to aquaculture as it alters viewscape and/or generates smell and noise”, Evans, Chen, Robichaud, 2017. A Hedonic Analysis of the Impact of Marine Aquaculture on Coastal Housing Prices in Maine). Taylor Shellfish Farms makes no effort to reveal the full economic impact of their project, demonstrating one of the many shortcomings or failures of the process in assessing compliance with SMP policies.

Public Access policies (17.50.140) –

“This program is intended to preserve and enhance the public's opportunity to enjoy the physical and aesthetic qualities of County shorelines.”

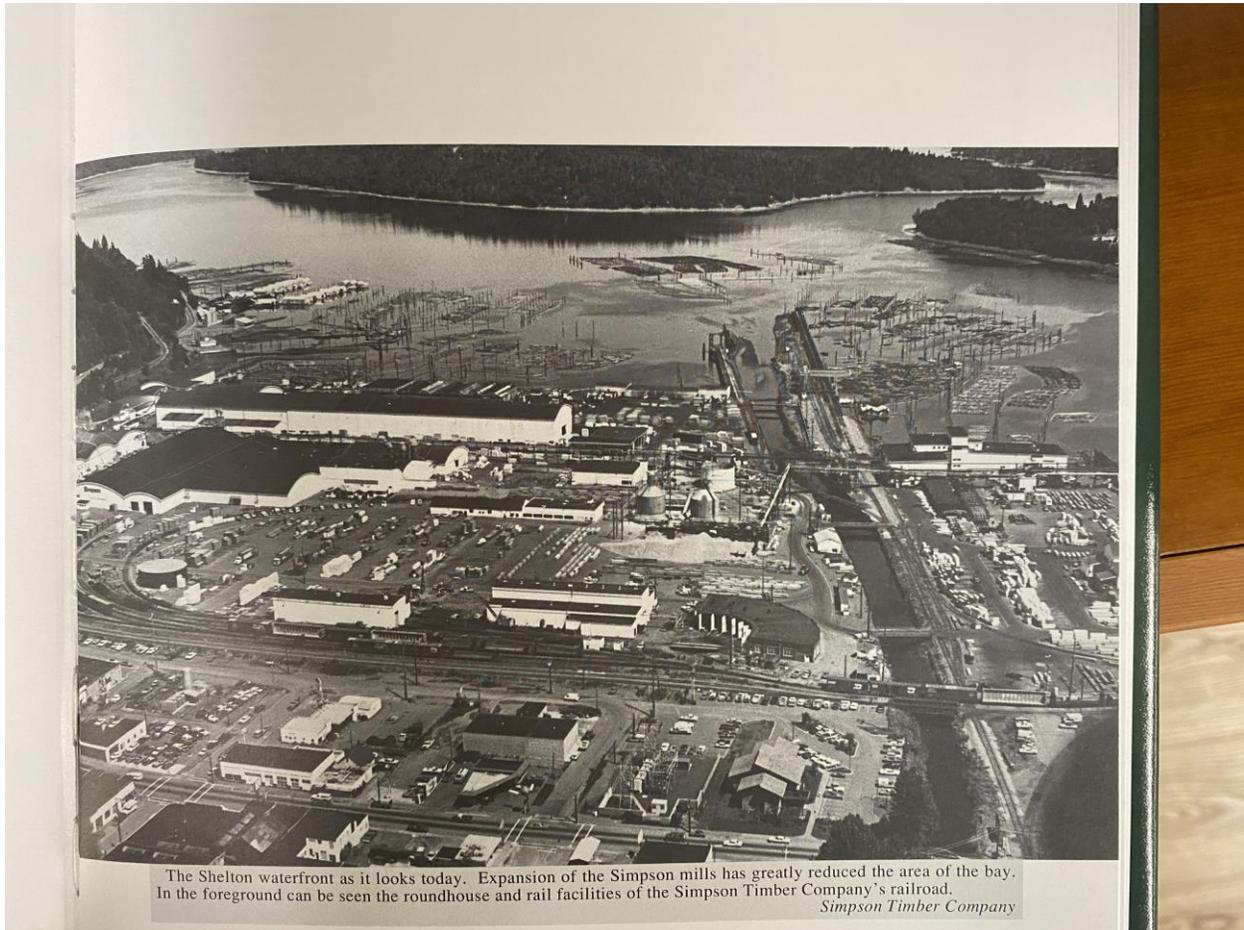
Views and Aesthetics (17.50.145) –

“1. This program seeks to minimize obstructions of the public's visual access to the water and shoreline from new shoreline developments while recognizing private property rights.

2. Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities (as seen from land or from water) that are derived from natural or cultural features, such as estuaries, bluffs, beaches, vegetative cover and historic sites/structures.”

For both these SMP policies, Taylor Shellfish Farms provides no acknowledgement of the existence of aesthetic values of the project site, or the potential loss resulting from installation of a 50-acre floating obstruction of the viewscape (as seen from land or from water). For example, Exhibit 4 JARPA (section 5m) Taylor Shellfish Farms describes current use of the property associated with the proposed project as “for incidental marine navigation and occasional tribal fishing”, completely ignoring any recreational boating, recreational fishing, or indirect use deriving aesthetic benefits. To further obfuscate this issue, Taylor Shellfish Farms describes how properties adjacent to the project are currently used (section 5m) –

“for long storage, marina, floating mussel culture, gravel barge loading and shellfish FLUPSY.” Those described activities are not adjacent to the proposed project property. Historically, log storage occurred directly adjacent to City of Shelton in support of Simpson mill operations but was not a feature of use in the open waters of Oakland Bay (see photo from 1980). The description provided by Taylor Shellfish Farms misrepresents the true nature of the Oakland Bay area affected by the proposed project. Clarification of this point is important to assessing compliance of the proposed project with the SMP. A 50-acre floating oyster bag system would not be a continuation of existing or historic use in that portion of Oakland Bay north of Shelton, but would represent a fundamentally new and dramatically altered use.



The Shelton waterfront as it looks today. Expansion of the Simpson mills has greatly reduced the area of the bay. In the foreground can be seen the roundhouse and rail facilities of the Simpson Timber Company's railroad.
Simpson Timber Company

2. The rationale and factual support offered by Taylor Shellfish Farms for the proposed project has numerous, serious shortcomings essential to evaluation of technical, scientific, biological, and ecological effects.

The Proposed Project is Not Minor to Negligible - Minimizing Negative Effects of the Project:

The applicant consistently minimizes the magnitude of the project and related impacts by use of misleading statistics, such as the percentage of the area covered by the floating culture related to the total area of Oakland Bay - “0.3%”.

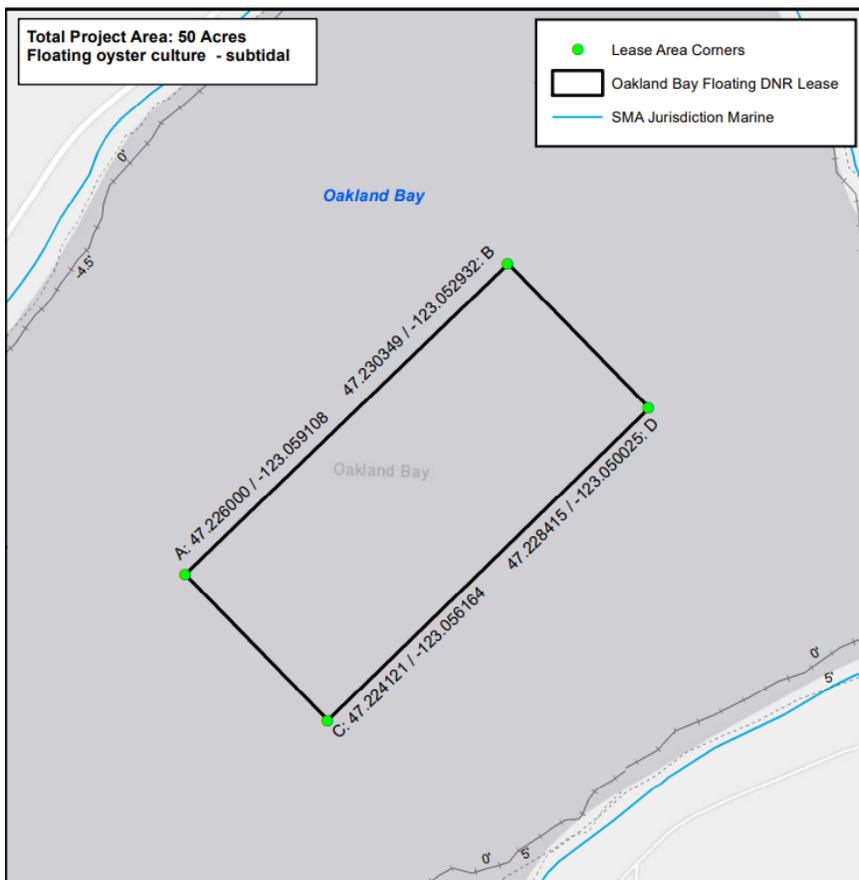
Exhibit 8 - Oakland Bay Floating Culture Habitat Management Plan:

“The total area covered by floating gear will be approximately 9.1 acres within a 50-acre DNR lease area, which is 18.3% of the total Project site and 0.3% of Oakland Bay.” (page 39)

“Both the low amount of added shellfish aquaculture to this area (0.3%) and the limited influence of a floating culture system makes this potential impact minor to negligible.” (page 32)

“In addition, shellfish aquaculture operations are a relatively minor portion of Oakland Bay. For example, the proposed Project adds approximately 0.3% of culture and the combined amount of existing and proposed culture in the subtidal zone in Oakland Bay and Hammersley Inlet would result in less than 1%.” (page 32)

“Both the low amount of added shellfish aquaculture to this area (0.3%) and the limited influence of a floating culture system makes this potential impact minor to negligible.” (page 32)



Visual descriptions provide a clear picture of the project’s enormous footprint on the Oakland Bay ecosystem, and demonstrate the applicant’s flawed logic arguing negligible impacts. The total project area is 50 acres. That is the equivalence of 39 football fields (more than 6 fields in width and more than 6 fields in length). The width of the project area extends over **27%** of the entire width of Oakland Bay. But the applicant prefers to use a creatively calculated **0.3%** - a mischaracterization that is off by 2 orders of magnitude - to portray the floating culture proposal as having “minor to negligible” impacts.

Ecological impacts of the floating culture project are also mis-characterized and minimized by the applicant’s failure to include technical citations of studies concluding negative effects. For example: Ahmed, et al, (2016) Ecological Consequences of Oysters Culture. J Fisheries Livest Prod 4: 198 listed the following potential impacts:

- Off-bottom culture significantly reduces the strength of tidal currents
- Net loss of energy, in the form of phytoplankton, from the ecosystem

- Bio-deposition and changes in seabed topography and sedimentation
- Introduction of invasive species, pests and diseases
- Habitat exclusion and modification and effects on sea-birds
- Accumulation of shell litter, debris and associated organisms and physical disturbance

The applicant does admit such negative impacts are possible. For example, in the Habitat Management Plan of Exhibit 8, Section 6, consultants for the applicant identify that “Shellfish aquaculture has been reported to result in increased biodeposition that may lead to changes in sediment characteristics”, and, “Suspended culture results in the transfer of organic matter to sediment, which can increase organic sediment content in areas with low flushing rates”. The consultant’s report also concludes that “The degree of environmental impact is related to site-specific conditions, such as water depth, current velocity, and sediment movement, and *intensity of culture practices*.” (emphasis added). But these potential negative effects are trivialized, first, by arguing that “biodeposits from this proposed floating oyster culture system would be much lower compared to mussel rafts”, second, by again relying on the same misleading relative area calculation described above - “the low amount of added shellfish aquaculture to this area (0.3%) and the limited influence of a floating culture system makes this potential impact minor to negligible”, third, by citing studies of effects that are not comparable to the proposed project in scale or environmental character, and fourth, by not having conducted studies or even recommended future studies of the environmental impact for the project’s most likely critical effects (as noted above and therefore understood by the proponent).

Studies Cited to Evaluate Water Circulation Effects are Not Comparable to the Proposed Project

The applicant correctly identifies that “The proposed Project can potentially influence water circulation by adding culture gear” (Section 6.1.1 of Exhibit 8). However, the applicant inappropriately concludes this potential negative effect will be “minor.” The Applicant’s report relies on a study (Turner et al. (2019)) of commercial oyster aquaculture sites in the southwestern portion of Chesapeake Bay that are not comparable to the proposed Oakland Bay project in terms of gear or operation footprints. Measurements from the relatively small floating oyster cages set in large open-water Chesapeake Bay situations, should not be compared to the proposed, very large floating bag system set in the small, enclosed Oakland Bay ecosystem. Conclusions of the study cited are quite different than conclusions of the applicant:

“The negligible impact of oysters at these sites is almost certainly due in part to the use of relatively low-density culture methods at sites with relatively high flushing rates. All farms in this study were situated in well-flushed areas with relatively short water residence times due to tidal currents and wave action. Farms in this study were also relatively low-density operations, with well-spaced cages resulting in < 60 oysters m⁻² (Table 4). This combination of growing conditions at the sites in this study are likely beneficial for both minimizing any potentially detrimental impacts of oyster aquaculture and maximizing oyster growth.”

Note the contrast between the high-density floating oyster bag system of the Oakland Bay proposal – “Each bag will be stocked with 200 to 5,000 oysters” – with the low-density of the Chesapeake Bay studies – “< 60 oysters m⁻².”

No Studies Conducted or Proposed for Understanding or Evaluating Key Potential Effects

Taylor Shellfish Farms demonstrated a clear understanding of the potential effect of the project on the aquatic dynamics of Oakland Bay. The degree of environmental impact is related to site-specific conditions, such as water depth, current velocity, and sediment movement. Yet, the applicant’s Habitat Management Plan ignores the recommendation of the study they cited regarding these important

potential effects that “Reduction of wave and current energy by aquaculture gear is an important area for additional study.” The applicant introduces no proposal for additional study of water circulation effects associated with the project.

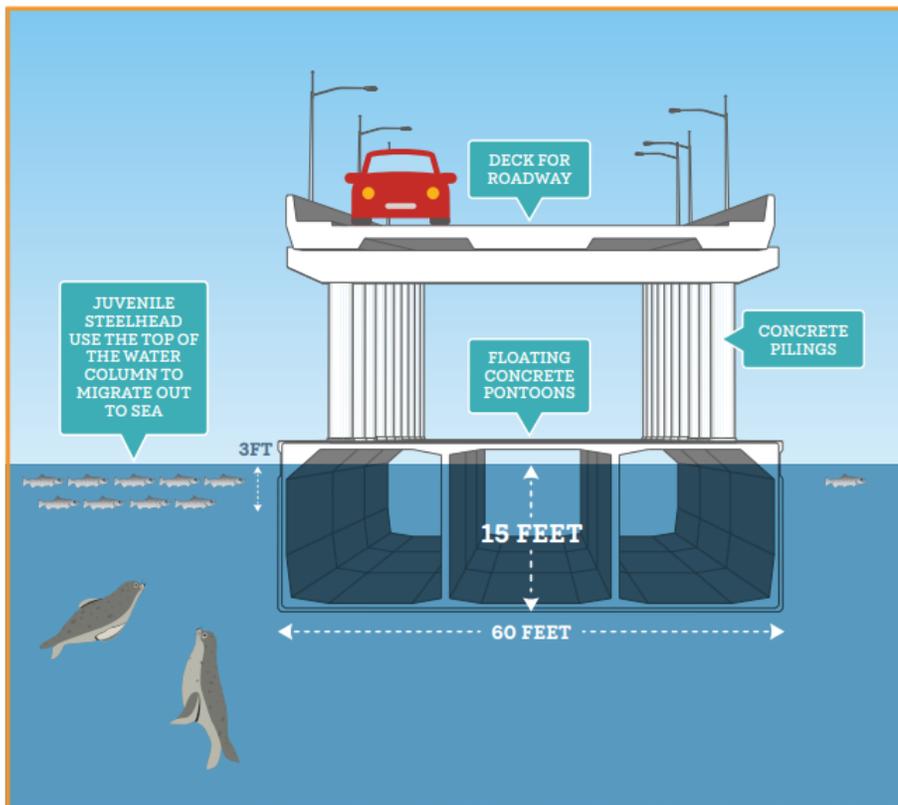
Potential for Very Large Floating Projects to Impede Fish Migration Ignored

Applicant’s minimization of the proposed project’s large footprint onto the Oakland Bay ecosystem appears to be purposeful in ignoring the likelihood of negative effects on migrating fish, including ESA-listed Puget Sound steelhead. An example of serious consequences resulting from ignoring this potential is found with recent costly renovations to remedy negative impacts on steelhead, and other migrating salmonids of the floating Hood Canal Bridge. A recent report by Long Live The Kings noted that “nobody knew that the unique floating structure would become a trap of sorts for untold numbers of young salmon and steelhead.” The authors conclude that “Bridge structure affects predation of steelhead,

water quality, and salmon behavior.

That mistake of ignoring potential effects proved to be costly, as current estimates are that “half of the juvenile steelhead that reach the bridge die there.” [Hood-Canal-Bridge-Assessment-Report-Summary-1.pdf \(lltk.org\)](#)

Clearly the Hood Canal Bridge is a much larger floating structure than the proposed floating oyster bag culture project. However, especially considering ESA-listed species such as Puget Sound steelhead and chinook salmon are identified as active migrants within the project area - “ESA-listed Chinook salmon could be present in the Project site on a



The Hood Canal Bridge’s large concrete pontoons pose a challenge for fish and an opportunity for predators.

limited basis during the spawning migration and juvenile outmigration phase of their life-history (i.e., primarily mid to late summer and spring, respectively)” - the 50 acre Oakland Bay proposal must be considered in a precautionary manner.

As described in Exhibit 8, “Steelhead present within the action area would likely be migrating and are unlikely to occur in the area for an extended period.” This is exactly the point of concern, as a large floating structure is likely to impede the normal migration process, increasing risks associated with delayed migration such as predation by harbor seals also known to inhabit Oakland Bay.

Potential Disruption of Migration or Feeding Behavior of Other Wildlife is Dismissed

The applicant's Habitat Management Plan is unreasonably dismissive of the possibility for Southern Resident Killer Whales to utilize Oakland Bay, and to be affected by the large floating structure as proposed. But SRKW are known to prey on chum salmon that are abundant in the area. Although they have not been observed within the subject area recently, the critical status of SRKW warrants a most precautionary approach for projects with even a low probability of encounter and affecting their feeding behavior. Transient orcas were observed and documented in the immediate vicinity of the proposed project during the summer of 2022. Other orcas utilize Oakland Bay routinely, as noted by the proponents - "While there have been sightings of killer whales in the vicinity of Oakland Bay, these have primarily been of the transient population (which are not ESA-listed)." The fact that transient orcas are not ESA-listed should not diminish the importance of limiting actions that are likely to increase risk for negative impacts. The applicant's Habitat Management Plan completely ignores the overlap in migratory or feeding activity of these important members of the Oakland Bay ecosystem and potential negative impacts on their behavior.

The applicant's Habitat Management Plan acknowledges the use of Oakland Bay by seabirds, particularly migrating, over-wintering sea ducks that feed throughout the Bay that rely on availability of clean, quiet, open marine water habitat. Taylor Shellfish Farms considers the impact on seabirds in a manner like those of boaters – "***Approximately 50 acres would become inaccessible to seabirds due to the presence of floating culture gear.***"

Given the shortcomings and inconsistencies with SMA and SMP policies described above, and in consideration of the needs, welfare, and interest of all the people, we request that the U.S. Army Corps of Engineers reject the Taylor Shellfish Farms application (NWS-2023-0305-AQ, Taylor Shellfish Farms (Oakland Bay Floating Culture)). We also recommend and request that a public hearing be held to ensure full consideration of the facts and issues involved and to accommodate meaningful opportunity for input by all potentially affected interests.

5. The Taylor Shellfish Farms proposal contains no compensatory mitigation.

Taylor Shellfish Farms explains why a mitigation plan should not be required (Part 8, Exhibit 04 JARPA 03/03/2023) with four arguments:

- 1) The project will comply with all terms, conditions, and conservation measures of the programmatic consultation for shellfish aquaculture activities in Washington State inland marine waters;
- 2) Evidence produced from an Environmental Impact Study for a mussel farm in Totten Inlet proves that there are no significant adverse effects from floating shellfish culture;
- 3) Minor effects are mitigated by the beneficial effects of growing and harvesting shellfish in areas that may be vulnerable to nitrogen loading and other negative effects from shoreline development; and finally,
- 4) Activities in surrounding areas, such as a wastewater outfall and marina, contribute or have a higher likelihood of contributing excessive nutrient loading in the environment than the Taylor Shellfish Farms proposed project.

These arguments are flawed for the following reasons:

- 1) The proposed project is not a “continuing” shellfish activity and not part of the existing footprint, but rather involves installation and operation of “new” structures, not covered by the Programmatic Biological Assessment (PBA) and related consultation. The Oakland Bay Floating Oyster Bag System clearly involves “Installation of new rafts, floats, or new FLUPSYS or the relocation or expansion of continuing rafts, floats, or FLUPSYS” so the Taylor Shellfish Farms claim to be exempt from mitigation does not apply. Continuing floating acres identified within the PBA for the entire South Puget Sound region is just 20 acres, while the proposed project is an additional 50 acres in Oakland Bay alone. Also, see comments above regarding SMP policies and misrepresentation of current use in Oakland Bay.
- 2) The Environmental Impact Study for mussel culture in Totten Inlet cited by Taylor Shellfish Farms is not at all comparable in species, environment, structure, and certainly not project size, to the proposed Oakland Bay floating oyster bag proposal.
- 3) Taylor Shellfish Farms claims a balance exists between negative effects of the proposal and undefined alternative aquaculture activities that have not been proposed and are unlikely to occur, since Taylor Shellfish Farms appears to have maximized capacity of shore-based activities. No cost: benefit analysis is presented, so the argument relies on trust without verification. This is a “false flag” threat that significant negative effects will result if the project is not approved.
- 4) Taylor Shellfish Farms admits their proposal will result in negative effects, but explains away the need for a mitigation plan by pointing out worse offending human activities unrelated to the proposed project. Negative effects and the need for compensatory mitigation must be assessed based on facts pertinent to the proposed project.

Thank you for the opportunity to provide public comment,

Patrick & Erin Pattillo

pattillopl@gmail.com

3126 Maringo Rd SE

Olympia, WA 98501

Luke Viscusi

From: GINNY DOUGLAS <ginnydouglas@comcast.net>
Sent: Thursday, July 6, 2023 3:48 PM
To: Luke Viscusi
Subject: Another submission for the Hearing Examiner

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Luke,
Will you please add the following to the letters for the Hearing Examiner? Thank you .
Ginny Douglas

To Whom It May Concern,

Regarding the Taylor Shellfish proposal for Oakland Bay, another example of why the Bay should remain free of Taylor's commercial aquaculture site is to make sure the Mason County firefighters continue to have access to the water in the Bay to extinguish area fires.

This purpose didn't come to mind until this past holiday when the bay was a- buzz with fire equipment repeatedly dipping, unencumbered by a shellfish installation, into the supply of property saving and potential life saving water! So, now, in addition to all the other issues created by the Taylor proposal, it can now be considered a hazard to the community in that it creates an obstacle to life and property saving safety practices.

On the 4th of July, a fire erupted in the "McEwan Prairie Road" section of Shelton. We watched all afternoon as planes fit with scoops pulled water from unobstructed Oakland Bay in an effort to put out the fire.

The area lakes were full of people on boats, jet skis and water skis, leaving no other option than taking the water from the Bay - and thank goodness the area was uncluttered because any added delay would have obviously allowed the fire to spread.

The whole reason we are objecting to Taylor's proposal is because the commercial site will prevent the community from benefitting equitably, in all respects, from the natural resource known as Oakland Bay. It's just patently unfair for one commercial entity to prevent the rest of the community from enjoying what should be all of ours to share.

Thank you ,

Dave and Ginny Douglas
1020 East Sunset Rd.
Shelton, WA. 98584

Mark Herinckx
860 E Sunset Rd
Shelton, WA 98584
July 6th, 2023

Luke Viscusi, Planner and Mason County Hearing Examiner
Mason County Community Development, Taylor Shellfish Proposal
615 W. Alder St.
Shelton, WA 98584
Sent Via Email to LViscusi@MasonCountyWA.gov

Dear Mr. Viscusi and Examiner,

AESTHETICS MATTER

The Shoreline Master Program places priority on aesthetics (please see my submission dated May 5th, 2023). The reason for this is to preserve the natural beauty of Washington State for all to enjoy and not have it ruined by self-serving interests.

AESTHETICS HAVE VALUE

Properties that are on the water or have water views always sell in the range of two to three times the value of properties that do not have aesthetically pleasing views. This increases the tax base to the County. It would be foolish and detrimental to ruin these views with a 50-acre monstrosity in the center of Oakland Bay. It is quite likely that the reduction of tax revenue, recreational use, and tourism dollars would far outweigh any benefit to the State or County and any profits would flow to one private company. Privatizing profits and socializing losses is a long-standing tactic of many large corporations under the guise of "providing jobs", when, in fact the only real motivator to Taylor Shellfish is more profit. Yes, a few jobs are great, but that is not why Taylor Shellfish is doing this. Washington's 20 plus billion-dollar tourism industry is intact because Washington is beautiful, not because people want to tour industrial sites.

AESTHETICS CREATE JOBS

All of this money that flows from tourism and the enhanced tax base creates many good-paying jobs for the County and the State of Washington. The hundreds of thousands of dollars of increased property tax revenue created by AESTHETICS flows directly to Mason County and to the community. This multiplier has a strong impact on our schools and all kinds of businesses and services in the area. Should this be traded for less tax revenue and job reductions because of the detrimental impact to the viewshed? This proposal will be destructive to our community.

P. 2 Herinckx 7/6/2023

AESTHETICS ARE GOOD FOR THE FUTURE

This proposal is shortsighted. How is a 50-acre industrial development in the center of a beautiful bay good for anyone except Taylor Shellfish? This will have a long-lasting impact on how future development happens around Oakland Bay. This is a land-grab and money-grab with total disregard for future opportunities for Mason County and the State of Washington. It must be stopped.

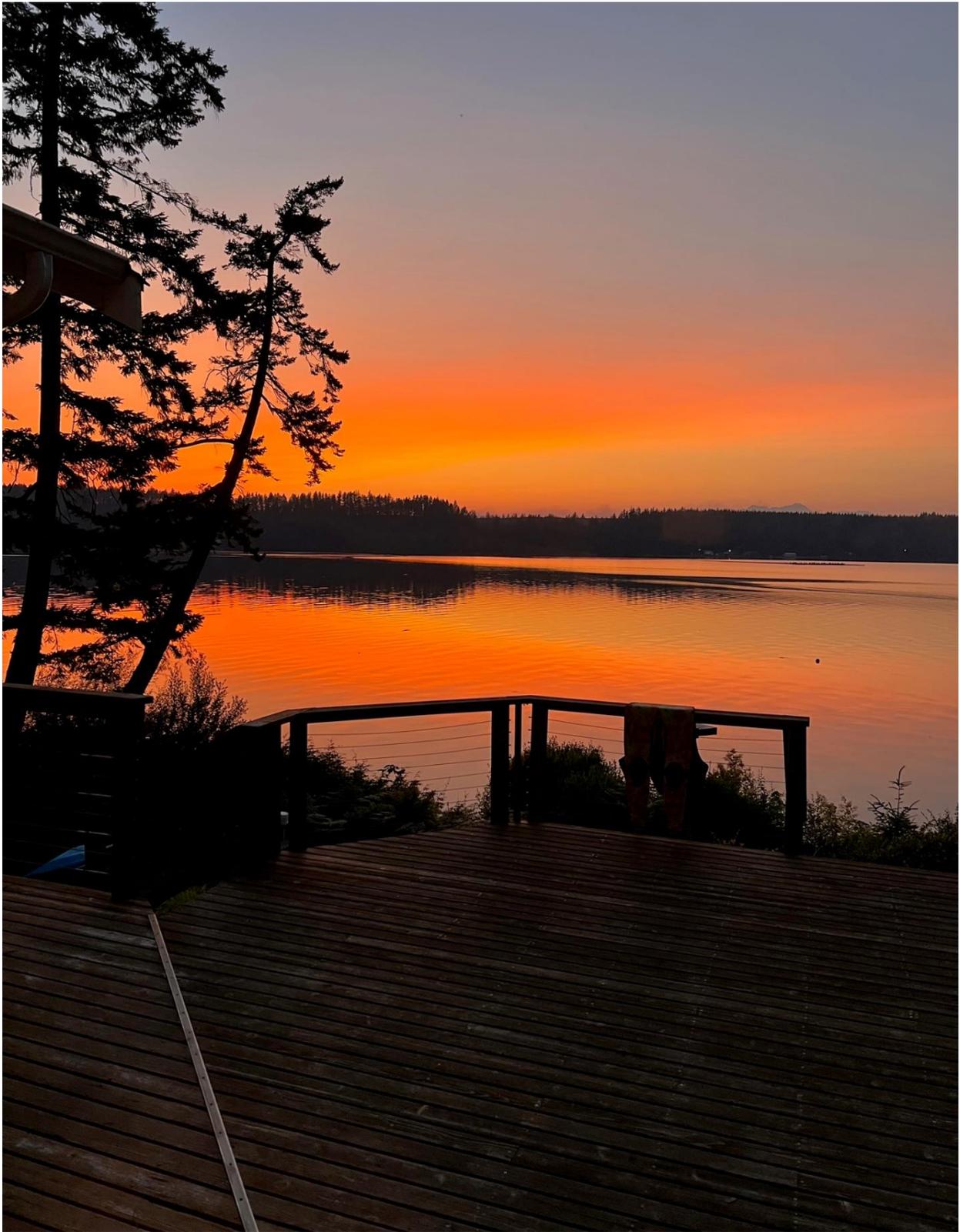
AESTHETICS ARE A DOMINATE PRIORITY OF THE SHORELINE MASTER PROGRAM.

Many aspects of the Shoreline Master Program place the value of aesthetics ABOVE all other uses of Shorelines of Statewide Significance. This priority is crystal clear, even in the area of Aquaculture, as it applies to this insane idea. This is not your 'grandfather's seafood farm". This is the equivalent to an industrial seafood factory stuffed into the center of a beautiful bay. The Public Trust Doctrine essentially insures an "easement" to the public to enjoy the beauty of natural areas OVER private interests. Taylor's proposal is an obscene violation of this trust and must be stopped. Please review the following photos of the area where Taylor Shellfish would like to place their self-serving seafood factory that will destroy the beautiful natural viewshed.









Page 6, Herinckx, 7/6/23 Thank you, Mark Herinckx

Mark Herinckx
860 E Sunset Rd
Shelton, WA 98584
July 6th, 2023

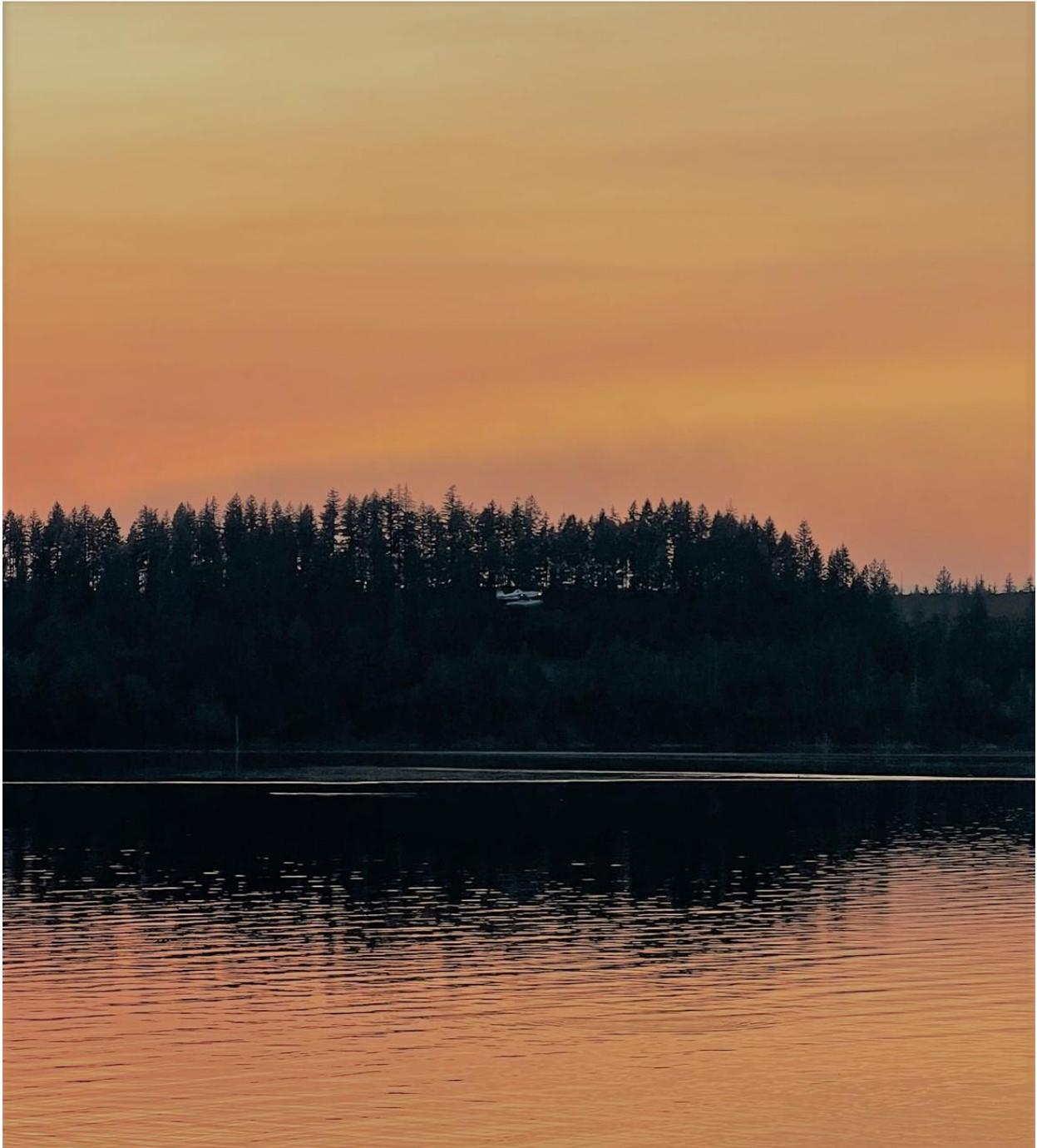
Luke Viscusi, Planner and Mason County Hearing Examiner
Mason County Community Development, Taylor Shellfish Proposal
615 W. Alder St.
Shelton, WA 98584
Sent Via Email to LViscusi@MasonCountyWA.gov

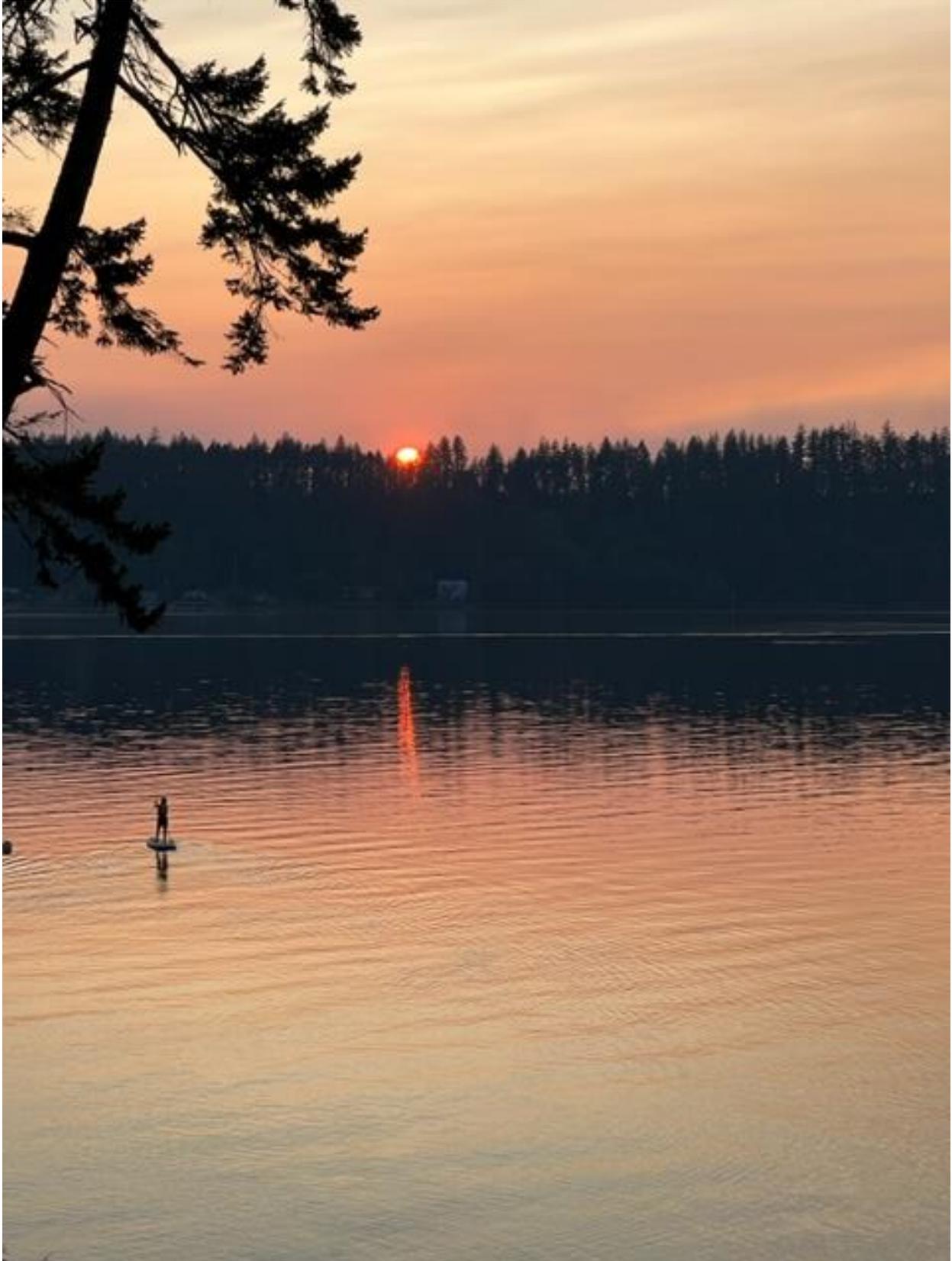
Dear Mr. Viscusi and Examiner,

Here are some photos showing the current and varied uses of Oakland Bay for recreation and fighting the recent McEwan fire. Placing a 50-acre blockade for industrial seafood production (factory) will destroy this bay and could reduce the ability to fight destructive fires in our area. During the McEwan fire this area was used for dozens of trips for the float planes to land, load water and return to the fire. It is all but guaranteed that this resource will be needed to fight future fires in the county, maybe even in Downtown Shelton.

Boating and recreation occurs nearly daily on this beautiful bay and will be severely diminished by this selfish proposal. This is all for the profit and benefit of one private company at the expense of everyone and everything else. This is a short-sighted proposal that is in violation of the Shoreline Master Program and will ultimately degrade economic opportunity in Mason County through decreased property values and recreational opportunities on Oakland Bay. Please put a STOP to this destructive proposal now and allow the residents of this area to quit wasting time fighting the self-serving goals of ONE PRIVATE COMPANY!!!

Please review the following photos, one showing the firefighting plane taking off from the bay to return to the fire.





Page 3, Herinckx, 7/6/23





Luke Viscusi

From: Nancy Willner <ncwillner@gmail.com>
Sent: Thursday, July 6, 2023 9:50 AM
To: Luke Viscusi
Cc: GINNY DOUGLAS
Subject: Oakland Bay Taylor Shellfish Application

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Good Morning Luke

We watched water scooper planes lifting water out of Oakland Bay all day on the 4th to extinguish the John's Prairie Fire. If the proposed oyster structure was there this would not be an option.

Please add this to my list if concerns. Thank you.

Nancy Willner

From: ANITA Pleake <artyson@comcast.net>
Sent: Friday, July 7, 2023 7:57 AM
To: Luke Viscusi
Subject: Taylor Shellfish Floating Oyster Farm

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Mr. Viscusi,

My husband and I own a waterfront home on Oakland Bay in Shelton, WA. We sought out a waterfront community seven years ago and while searching, found the quiet community of Oakland Bay and immediately purchased a home. We quickly discovered the abundance of clams, oysters, seals, red fox, otters, salmon and yes, occasionally a few orcas visiting our quiet bay. This is a calm paradise to us. While our bay is always serene and beautiful, my favorite view is the evening sun going down and reflecting across the water on the bay. Imagine the impact of a 9.1-acre floating oyster farm system in a 50 acre area, complete with buoys and approximately 30 double lines, 60 anchors and up to 30 screw anchors in the center of each line. I do not see this as pretty scenery or helpful to our saltwater environment. This gear is proposed to remain in place continuously, but, can be removed for few weeks for fishing access when coordinated with the Squaxin Indian tribe. How is the timeline of removal projected? In every season, the arrival of spawning salmon is only a guess and not always a correct one. Will this temporary removal also include the fishing access of all of the citizens purchasing a license?

Here are my other concerns:

What impact will this have on our boating or other recreational activity in our bay?

Who will benefit from this structure stretched across the major part of our part of the bay?

While much has been done in recent years to restore the salmon habitats and annual runs up John's Creek, how will this affect the continuous restoration attempts?

Is this a step backwards for our salmon restoration? Have studies on this planned project been done in other locations and if so, what are the found results?

In the past month, Taylor Shellfish employees captured video of Orcas in the bay, which they presumed were following the resident Coho Salmon. You can view this on video, as it was shared by Taylor Shellfish on their own Instagram page.

My question is this, how does this proposed 9.1 acre structure from water level to the sand at the bottom of the bay, plus outreaching lines, buoys and anchors affect the Orcas movement through the narrow neck of the bay? Will they continue to follow salmon up the bay? Is there a plan in place if an Orca or other mammal gets stuck in this structure?

How will this impact the current wildlife that is living in and around our bay? Will the otters be impacted? Will the protected sea-run cutthroat trout be affected?

How will this affect the community of Shelton in the long-term?

What impact does this have on us as property owners?

What is the long-term goal of Taylor Shellfish? Is this their only planned expansion in our bay? Will they request a permit for additional Oakland Bay floating oyster farms in the future?

While I have been an advocate for Taylor Shellfish commercially farming our community, I am opposed to this expansion as it will have a negative impact on my personal use of the public waterway and my own property.

I also believe this will have a negative impact on the local community, as the Washington State recognized non-profit Cedar Grove Country Club owns property and a beach access boat launch to the bay diagonally across from the area proposed for the floating structure. Will this proposed structure limit the members ability to launching their recreational boats into Oakland Bay? Salmon season is a very popular time for our boat launch and the area is well known as one of the best areas for salmon fishing which results in an increase of boating activity during the month of October.

I sincerely hope that the city of Shelton will consider all sides to this proposal and hear not only the voice of a commercial business wishing for expansion, but also the tax paying citizens who have a vested interest in our city and community. My hope is that Shelton city leaders consider all questions regarding the impact of this proposal, and make a sincere attempt to consider the short-term and long-term impact of this to not only funding to our city, but also the legacy of our beloved waterways and our future generations.

Thank you for considering my opinion.

Sincerely,
Anita Pleake
Oakland Bay resident

Luke Viscusi

From: David McLean <Broll4U@comcast.net>
Sent: Saturday, July 8, 2023 2:44 PM
To: Luke Viscusi
Subject: Taylor's DNR lease

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Mr. Viscusi,

I am writing today to air my grievance with the proposed Taylor Shellfish lease of the WSDNR's assumed "aquatic lands" property of the middle of Oakland Bay. This debacle in my way of thinking will do nothing but line the pockets of Taylor at the expense of the shoreline residents and possibly ruin the current aqua culture.

I have been on Oakland Bay since 1965 and have personally seen the ravages of commercial interests on the bay. Back then, Simpson timber used to store log rafts in the middle of the bay and that damage to the beaches was extremely evident. Back in the early 1970s, I could walk from Chapman Cove to where Sunset Bluff Park now resides and count all of the oysters at low tide on one hand!!!

About a year and a half after Simpson pulled all of their logs out of the middle of the bay, the green slime left the beach and water clarity was so magnificent that you could see twelve feet down to the bottom at high tide.

My fear is that floating oyster bags will again demolish the pristine waterway that we now enjoy (let alone become a watercraft navigational hazard). For the last 58 years on Oakland Bay, I have never seen sea otters, but as of last year, we now have a family of three that visit our home often. I would most certainly hate to see that go away. Please reconsider moving this topside oyster farm to a less intrusive area.

Thanks for taking the time to review this disastrous corporate project.

Respectfully,

David McLean

Luke Viscusi

From: Nancy/James Hancharik <nancyhank@msn.com>
Sent: Saturday, July 8, 2023 2:40 PM
To: Luke Viscusi
Subject: [CAUTION: SUSPECT SENDER] Question Received from the Mason County Website -

Follow Up Flag: Follow up
Flag Status: Completed

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From: Nancy/James Hancharik
Dept Sent To: Luke Viscusi

Message: We were witnessing the fire/smoke plume on McEwan Prairie on the 4th of July and the sea planes that continuously flew getting water from the bay and then flying to the fire for about 4+ hours from our home. What would have happened if those oyster bags were there in the way. It was frightening to watch the progress of the fire as it approached the more populated area.

It 100% says we need to keep the bay open from any obstructions.

The whole Shelton/Mason County area needs to have access to the bay for emergency water for firefighting. With the temperatures rising and rainfall stopping in June we will probably have more of these local fires to battle. How can one company that will only employ about 5 people be more important than the lives and property of every resident in Mason County.

We say NO to Taylor Oyster Farm.

Nancy & James Hancharik
250 E Suncrest Lane (off of Sunset Rd)
Shelton, WA 98584
360-426-3097

From: Kelli Jo Hjalseth <kellijo@windermere.com>
Sent: Tuesday, July 11, 2023 2:53 PM
To: Luke Viscusi
Subject: Proposed Taylor Shellfish Farm in Oakland Bay

Follow Up Flag: Follow up
Flag Status: Completed

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Mr. Viscusi,

I am writing to share my strong opposition to permitting Taylor Shellfish to move forward with their plan for an Oakland Bay Floating Oyster Farm.

The Proposed Taylor Shellfish farm in Oakland Bay is a disgusting & shocking attempt to implement what will most certainly be an ecological nightmare in pristine Oakland Bay. This delicate waterway, that has been polluted by industry, has been struggling to recover for so long (and may never completely do so). It is the heart of saltwater recreation for so many and the beautiful backyard of hundreds of Shelton's residents & stewards. It is incomprehensible to me that community leaders and the state would conspire to toss Shelton to the dogs.

All one has to do is take a look at a map to see that Taylor Shellfish has already snapped up hundreds of acres of tidelands in every single saltwater community in the South Sound and beyond. I sell waterfront property all over the region and the first thing I do with a potential property is review who owns the tidelands. Always, Taylor is right out front or very nearby. They are the last folks who need a sweet deal from the state to gobble up more acreage & spread more of their blight across the Sound.

I own waterfront property within a short boat ride to several farming operations and look out at one from my beach. The floating shacks and barges piled with bags are an eyesore. The bags are consistently finding their way to our beach. Floating bags will snag garbage & birds. The noise from the sealions that these operations attract goes on all night during certain farm operating procedures. I cannot

imagine allowing a 50 acre farm that is also lit during the night. Lit! This, of course, needs to happen because they will be creating an immense navigational hazard.

The effect on our already stressed sea life is the saddest part of this to me. Crabbing season for south Sound area 13 has been closed for years and will remain closed indefinitely. Our starfish all but died off! I haven't seen a sunstar in 15 years and they used to be everywhere. Can someone please explain how hanging bags moved around over a 50 acre area will not trap our Whales, Seals & Fish? Part of the point of the increasingly restrictive Shoreline Management Plan is to protect our waters and the life supported therein. As a homeowner, it would take me years and hundreds of dollars just to permit a new set of steps to my beach or bulkhead repairs. How can a giant company be allowed to plunk a 50 acre farm smack in the middle of a low flow & recovering bay owned by the state?

Property values and enjoyment of one's own beachfront property will be greatly diminished. For the creation of maybe 5 new jobs? I can't wrap my head around the logic here. How will boaters navigate this maze? Will residents of the bay need to invest in light blocking blinds to sleep at night? Will they need to make appointments to have the farm "moved" so they can enjoy boating with their families?

I think about the reefs in Hawaii that began to heal themselves during Covid. With no tourists to disturb them, the coral began to regenerate. When last on the Big Island, we noticed several areas closed to tourists that used to be mobbed by them. The stewards of those precious places learned the lesson and acted accordingly. I do not see that happening here. This project is shortsighted and supported for one reason only – printing money. It is a disaster in the making and future generations will be appalled & ashamed if it is allowed to move forward. Please do the right thing and just say no . . .

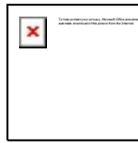
Thank you-

Kelli Jo Hjalseth

KELLI JO HJALSETH

REALTOR

Managing Broker



WINDERMERE PROFESSIONAL PARTNERS

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 Kellijoandsharon.com



Mark Herinckx
860 E Sunset Rd
Shelton, WA 98584
July 14th, 2023

Luke Viscusi, Planner and Mason County Hearing Examiner
Mason County Community Development, Taylor Shellfish Proposal
615 W. Alder St.
Shelton, WA 98584
Sent Via Email to LViscusi@MasonCountyWA.gov

Dear Mr. Viscusi and Examiner,

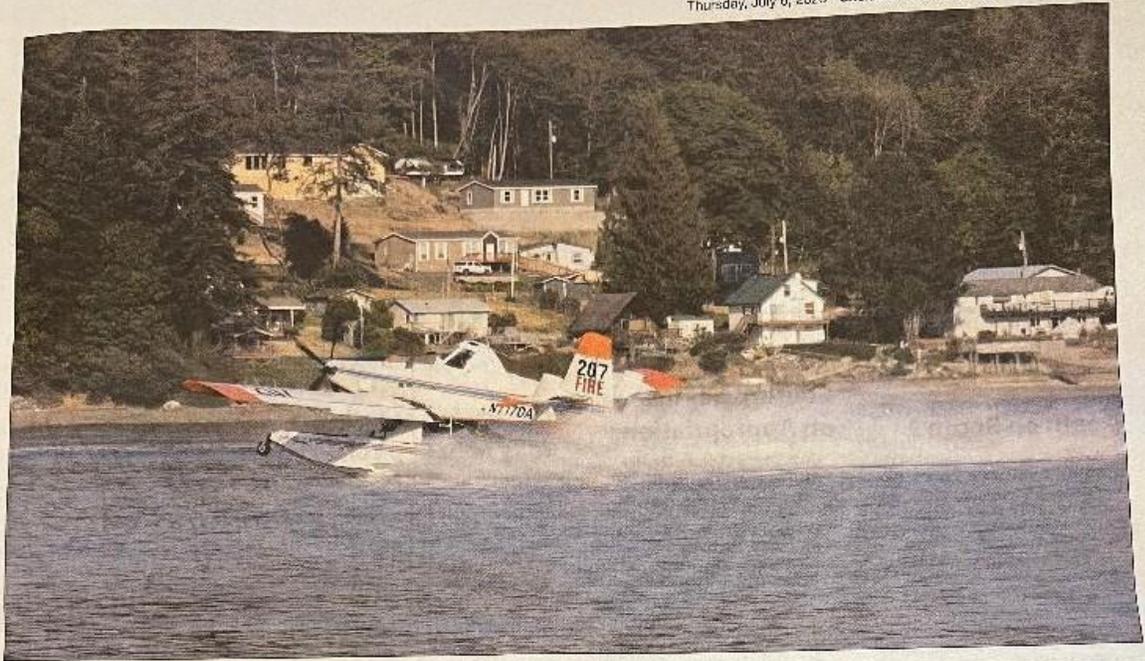
Here are two pictures from page 7 of the Shelton-Mason County Journal, issue dated July 6, 2023. This documents and reinforces the need to preserve the center of this bay for emergency firefighting in the Mason County area. This proposal should be stopped on this one issue alone, besides all of the other violations of the Shoreline Master Program noted by myself and others.



Above and right, firefighting planes gather water from Oakland Bay to battle the McEwan Fire in central Mason County on Tuesday evening. About 10 state firefighting aircraft joined the fight against the blaze, including three helicopters, two pontoon planes and four tanker planes.
Journal photos by Justin Johnson

Below, views of the blaze taken from a plane about 45 minutes before Temporary Flight Restrictions shut down the airspace over Mason County to assist fire crews in fighting the fire.
Photos courtesy of Clayton Fosen





Above and right, firefighting planes gather water from Oakland Bay to battle the McEwan Fire in central Mason County on Tuesday evening. About 10 state firefighting aircraft joined the fight against the blaze, including three helicopters, two pontoon planes and four tanker planes. Journal photos by Justin Johnson

Below, views of the blaze taken from a plane about 45 minutes before Temporary Flight Restrictions shut down the airspace over Mason County to assist fire crews in fighting the fire. Photos courtesy of Clayton Fosen



From: Hoang Nguyen <hnn@comcast.net>
Sent: Tuesday, July 18, 2023 10:12 PM
To: Luke Viscusi
Subject: RE: Taylor seafood expansion in Oakland bay

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I would like to add the following from me as a formal recorded public comment for the public hearing.

I have a waterfront property on Oakland Bay. My family, friends, and I are always playing in the water. We enjoy fishing, kayaking, paddle boarding and motor boating around the bay that is being considered for the Taylor Shellfish expansion.

The Taylor Shellfish expansion is massive and will ruin my view and reduce my property value. The expansion will put my family and friends at serious risk kayaking, paddle boarding, motor boating and fishing in the bay. Not only are my family and friends at risk using the bay, but we also had a family of orcas swim up and down the bay for a couple of weeks last year. About 4 years ago we had a grey whale swim up and down the bay as well.

Please protect our whales, our property values, the beauty and serenity of this bay by not allowing this massive expansion to go through.

Mark Herinckx
860 E Sunset Rd
Shelton, WA 98584
July 24th, 2023

Luke Viscusi, Planner and Mason County Hearing Examiner
Mason County Community Development, Taylor Shellfish Proposal
615 W. Alder St.
Shelton, WA 98584
Sent Via Email to LViscusi@MasonCountyWA.gov

Dear Mr. Viscusi and Examiner,

Please examine section 17.50.140 of the Mason County Shoreline Master Program. Part B, section d. PLACES the burden of proof on the County to demonstrate that this proposal meets Part B/1/c./ii./and iii., page 52 of the SMP. What kind of pretzel logic could the county or Taylor Shellfish use to meet this BURDEN OF PROOF? This 50-acre industrial production facility placed dead center in the middle of Oakland Bay can ONLY block access to ALL OTHER users of this bay! Any recommendation to move forward with this proposal will be in CLEAR violation of the Shoreline Master Program. As much as Taylor Shellfish would like to create this insane factory in the center of a beautiful bay, they simply cannot comply with the SMP. It is not possible and, therefore must be denied by the county and, respectfully, the examiner.

In addition, this proposal is in TOTAL VIOLATION, of section 17.50.145. Please review this section, particularly Policies 1, 2 and 6. Again, it is impossible for this to meet the criteria of 1 and 2 and number 6 states "Where there is an irreconcilable conflict between water-dependent shoreline uses or physical PUBLIC ACCESS and MAINTENANCE OF VIEWS from adjacent properties, the water-dependent uses and physical public access SHALL HAVE PRIORITY, unless there is a compelling reason to the contrary." The private profit of one selfish entity is not a "compelling reason". This proposal subjugates the interests of everyone else for their greedy profit. This proposal is a clear violation of my private property rights, as outlined in item 1. This must be denied. This must be stopped. It does NOT comply with the SMP and would sit a horrible precedent on the Puget Sound.

Thank you,
Mark Herinckx



BRICKLIN & NEWMAN LLP
lawyers working for the environment

Reply to: Seattle Office

July 25, 2023

VIA EMAIL TO: LViscusi@MasonCountyWA.gov

Luke Viscusi, Planner
Mason County Community Development
615 W. Alder St.,
Shelton, WA 98584

Re: Comments on Application of Taylor Shellfish for Shoreline Substantial Development and Shoreline Conditional Use Permits (SHR2023-00003)

Dear Mr. Viscusi:

Our firm represents Friends of Oakland Bay. We submit the following comments on the group's behalf in opposition to the application of Taylor Shellfish for a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit (Record No. SHR2023-00003) (the "Project").

This is, to our knowledge, the first time that Mason County has considered permitting an industrial floating oyster aquaculture project. It is important that the county follow its code, because this application may be the first of many similar applications in the county. As detailed below, the information provided in the application and related materials does not meet the criteria for the county to grant a shoreline substantial development permit or a shoreline conditional use permit for the Project.

I. THE PROJECT AND ITS IMPACTS

A. Aesthetic Impacts to Views.

The proposed industrial floating aquaculture project would be approximately one-half mile long and one-quarter mile wide in the middle of Oakland Bay. The project area covers 50 acres—more than 2 million square feet—in the middle of Oakland Bay. Within that area, parallel lines of floating oyster bags approximately 2,000 feet long would be fixed to large floats at either end. The massive array will be lit with navigation hazard lights at night. The visible portions of the project, only considering the floating oyster bags and not the space between them, would be far larger in area than a Nimitz class aircraft carrier, which has deck space of approximately 4.5 acres.¹ During harvest and maintenance periods, boats or floating platforms with hoist systems would be active

¹ [https://illuminate.usc.edu/taking-off-and-landing-on-an-aircraft-carrier/#:~:text=The%20Navy%20currently%20uses%20Nimitz,I\).](https://illuminate.usc.edu/taking-off-and-landing-on-an-aircraft-carrier/#:~:text=The%20Navy%20currently%20uses%20Nimitz,I).)

in and around the lines of floating bags. *See generally*, Exh. 8, Applicant’s Habitat Management Plan at PDF pages 12–15.

The project would have substantial adverse effects on the views across Oakland Bay from many residential properties along the Bay, including from the properties where members of Friends of Oakland Bay live. The project would also have substantial adverse effects on the views enjoyed from recreational boats on the Bay. But the applicant did not provide to the county a viewshed analysis so that the county could assess those impacts.

Figure 1, below, shows the existing view across Oakland Bay from the deck of the property owned by one of the members of Friends of Oakland Bay. The project would be prominent within this view.

Figure 1 – Existing View Across Oakland Bay



Figure 2, below, shows a sailboat anchored in Oakland Bay within the footprint of the proposed industrial floating aquaculture project. This sailboat is owned by members of Friends of Oakland Bay and this picture was taken from their property on the shore of the Bay, overlooking the proposed project site.

Figure 2 – Sailboat in the Footprint of the Proposed Project



Now imagine in the middle of these classic Northwest marine scenes an array of floating aquaculture gear covering an area equivalent to more than two aircraft carriers. These beautiful views would be destroyed. Similar views from dozens of other residential properties, Sunset Bluff County Park, Oakland Bay County Park, and from boats on the water would also be destroyed by the proposed project.

To assess the project's aesthetic impacts, the applicant should have supplied a viewshed analysis. That analysis would allow the county, the public and other agencies to assess the expected visual impacts from numerous vantage points on land and on the water. The visual impacts cannot be adequately assessed without such an analysis.

Instead of providing a comprehensive view assessment, the applicant has provided a single image of how Oakland Bay would look after installation of the floating bags from one perspective. While views should be assessed from more than a single perspective, this image demonstrates the likelihood of significant aesthetic impacts from many vantage points on the water and from the nearby shorelines:

Figure 3 – View of Floating Aquaculture Bags



Applicant's Habitat Management Plan at PDF page 14.

The stark difference between Figure 3 and Figures 1 and 2, above demonstrates that more information regarding aesthetic impacts to views, including a viewshed analysis, is needed.

A neglected aspect of the visual analysis seems to be the impact that navigational hazard lighting will have on views across the Oakland Bay in the evening and at night.

B. Impacts to Recreational Boating.

The County has a policy to assure that proposals of this type are evaluated for their impacts to recreational boating. But the applicant has provided almost no such information and the County, to our knowledge, has not filled those data gaps.

The county's aquaculture policy 13 states: "Floating aquaculture should be reviewed for conflicts with other water dependent uses in areas that are utilized for moorage, recreational boating, sport fishing, commercial fishing or commercial navigation." MCC 17.50.210(A)(13). Figure 3, above, shows how long lines of floating aquaculture bags would impact and impede recreational boating. But the applicant failed to provide sufficient information for the county to assess these impacts. Moreover, the information the applicant did provide is misleading in several respects.

First, the applicant asserts: "The Site of the Proposal is located in an area that has formerly been utilized for log storage without any history of conflicts with other water-dependent uses." Permit Application Addendum at PDF page 5/19, Response to Aquaculture Policy 13. But to our knowledge, this area of Oakland Bay has not been used for log storage since sometime in the 1980s, approximately 40 years ago. That this area of the bay may have been used for log storage 40 years ago does not mean that the proposed industrial floating aquaculture project would not conflict with recreational boating today. The applicant does not provide the county with information sufficient to assess the impacts of the project on recreational boating in 2023 and the coming decades.

Second, the applicant states: "Only 9.1 acres of the 50-acre Site will be occupied by the oyster cultivation gear." Permit Application Addendum at PDF page 5/19, Response to Aquaculture Policy 13. But in the next sentence, the applicant admits that the project would "[limit] recreational access to the 50-acre Site[.]" *Id.* The applicant's repeated assertions throughout the application that "only 9.1 acres" will be occupied by oyster cultivation gear seems to be based on only measuring the surface area of the bags themselves, without acknowledging that multiple parallel lines of oyster bags would stretch across the middle of the bay. Moreover, 9.1 acres is more than twice the area of the deck of a Nimitz class aircraft carrier, hardly a small obstruction to recreational boating.

Third, the applicant asserts that "the Site occupies a small portion of the Bay, and there are unimpeded opportunities to conduct recreational activities on all sides of the Proposal." But members of Friends of Oakland Bay who enjoy recreational boating, especially sailing, currently enjoy being able to sail *across* the bay, not merely pattering around the edges of the bay. A 50-acre exclusion zone in the middle of Oakland Bay would likely be a significant adverse impact to recreational boating and sailing. The applicant fails to provide information sufficient to assess these significant impacts. Indeed, the applicant goes so far as to assert, without any supporting information, that Oakland Bay "is not significantly used for navigation, recreation, or sport or commercial fishing." *Id.* But Oakland Bay is used for recreation—including recreational sailing—and sport fishing by the members of Friends of Oakland Bay.

The applicant, while trying to minimize the proposed project's impacts on other water dependent uses, admits that the proposed project would be a significant obstruction to, and conflict with, those other uses. The applicant proposes to move its entire operation to some other undisclosed location for a few weeks every year to provide fishing access to the Squaxin Island Tribe. *Id.* But that does nothing to eliminate or reduce impacts to fishing and navigation the other 48–50 weeks of the year.

The County needs more complete and forthright information about navigational impacts.

C. Ecological Impacts.

The applicant did not supply the county with information sufficient to analyze the ecological effects of a very large industrial floating oyster aquaculture project—a type of project never before permitted by the county. The 50-acre project area is equivalent to about 39 football fields and would extend across more than a quarter of the width of Oakland Bay—an enormous ecological footprint.

The applicant admits to the possibility of adverse ecological impacts, stating, for example, that the “degree of environmental impact is related to site-specific conditions, such as water depth, current velocity, and sediment movement, and intensity of culture practices.” Applicant’s Habitat Management Plan at PDF page 38. Here, as the applicant admits, “Oakland Bay is a protected embayment that results in a lower energy environment[.]” *Id.* That low energy would likely be further lowered by the project, because floating aquaculture significantly reduces the strength of tidal currents. Ahmed OO, Solomon OO (2016) Ecological Consequences of Oysters Culture. *J Fisheries Livest Prod* 4:198. Doi: 10.4172/2332-2608.1000198.² Because of Oakland Bay’s low energy environment, ecological impacts are likely to accumulate and remain concentrated in the 50-acre proposed project area. And the proposed project certainly is a high “intensity of culture practices.”

The applicant admits to ecological impacts regarding water circulation, stating: “The proposed Project can potentially influence water circulation by adding culture gear.” Applicant’s Habitat Management Plan at PDF page 35. But the applicant asserts that impacts on water circulation would be minimal, relying on a study (Turner et al., 2019) of commercial oyster aquaculture sites in the southwestern portion of Chesapeake Bay. But the applicant fails to note important differences between the operations studied in Chesapeake Bay and the proposed project in Oakland Bay. First, the off-bottom oyster cages in the Turner study were much smaller in both area footprint and numbers of oysters than the in the proposed project. Second, Chesapeake Bay had high levels of tidal and wave action flushing, unlike the low-energy Oakland Bay. Third, Chesapeake Bay is much larger (4,479 square miles) than Oakland Bay (161 square miles including Hammersley Inlet)—the ecological impacts of aquaculture in Chesapeake Bay are diluted over a far greater volume of water than in the Oakland Bay estuary.

It does not appear that the county has considered the ecological impacts of the applicant’s extensive use of plastics, including HDPE plastics, in the marine environment. Some plastic gear is likely to be lost over the life of the project. Plastic degrades over time when exposed to mechanical stresses and UV sunlight. Microplastics resulting from that degradation have significant adverse effects

² Available at: <https://www.omicsonline.org/open-access/ecological-consequences-of-oysters-culture-2332-2608-1000198.php?aid=83576>. This study is not cited or addressed by the applicant.

on marine biota. Plastics are often treated with chemicals that are toxic in small quantities, including PFAS chemicals and other additives and treatments.

This is the first time that the county has considered an industrial floating oyster aquaculture project. It is important that the county get the precedent-setting decision right. The county should deny the SSDP and SCUP permits and demand more information from the applicant regarding the ecological impacts of the project. In particular, the county should deny the permits because the applicant has not provided information regarding the ecological impacts of lost or degraded HDPE plastics or of moving acres of gear to some alternate location, storing it there for a few weeks, and moving it back every year.

D. Information on Where the Aquaculture Gear Will Go for “a Few Weeks” Every Year is Lacking.

The applicant proposes to move its entire operation to some other location for a few weeks every year to provide fishing access to the Squaxin Island Tribe. *Id.* But the applicant does not identify where the oyster gear will be moved. Without information from the applicant about the annual secondary location for acres of gear, the county lacks important information needed to make a determination as to whether the SSDP and SCUP review criteria are met. The county cannot make a determination regarding compliance with the SSDP and SCUP review criteria without information regarding the Project’s impacts to public access, aesthetics, ecological integrity, existing public uses of the Bay, and the public interest from moving acres of gear to some alternate location, storing it there for a few weeks, and moving it back every year.

II. THE COUNTY SHOULD DENY THE APPLICATION FOR A SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The application does not meet the review criteria for shoreline substantial development permits set out in MCC 17.50.400(c)(3). “A [shoreline substantial development] permit shall be granted only when the proposed development is consistent with: a. Policies and regulations of the Mason County Shoreline Master Program[.]” MCC 17.50.400(c)(3)(A)(ii)(a). Taylor Shellfish’s proposed industrial floating oyster aquaculture project is not consistent with the policies and regulations of the county’s SMP.

A. The Project is Not Consistent with the Policies and Regulations of the SMP Regarding Public Access.

The Project is inconsistent with the public access policies and regulations set out at MCC 17.50.140. “Public access” means “the ability of the general public or, in some cases, a specific community, to reach, touch, and enjoy the water’s edge, **to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.**” MCC 17.50.020 (emphasis supplied). The impacts to views and recreational boating described above are impacts to public access that cannot be mitigated for the project as it is currently proposed.

1. The Project is inconsistent with the public access policies set out at MCC 17.50.140(a).

The public access policies set out at MCC 17.50.140 are intended to “**preserve and enhance** the public’s opportunity to enjoy the physical and aesthetic qualities of county shorelines.” MCC 17.50.140(a)(1) (emphasis supplied).³ “**Increasing** all types of public access is a priority for the county.” MCC 17.50.140(a)(2) (emphasis supplied). “Private entities should provide public access when the development would . . . impair existing legal access opportunities or rights.” MCC 17.50.140(a)(4)

Here, the public’s ability and opportunity “to enjoy the physical and aesthetic qualities” of Oakland Bay—including the public’s ability to travel via kayak or sailboat on Oakland Bay and enjoy the aesthetic qualities of Oakland Bay from adjacent locations—must be preserved, enhanced, or increased by the proposed project. If Project does not preserve, enhance, or increase those abilities and opportunities enjoyed by the public, then it is not consistent with the policies of the county’s SMP. The Project does not preserve, enhance, or increase these opportunities. Instead, as shown in Sections I.A and I.B, above, it degrades and destroys them. The Project should be denied.

2. The Project is inconsistent with the public access regulations set out at MCC 17.50.140(b).

“Public access shall be required to the extent allowed by law in the review of shoreline substantial development or conditional use permits” under MCC 17.50.140(b)(1), for two reasons. One, the Project is a private water-dependent or water-related use or development that “impacts or interferes with existing access by blocking access or discouraging use of existing access[.]” MCC 17.50.140(b)(1)(C)(ii). Two, the Project is a private water-dependent or water-related use or development that “impacts or interferes with public use of waters subject to the public trust doctrine.” MCC 17.50.140(b)(1)(C)(iii).

“**Existing, formal public access shall not be eliminated unless the applicant** shows there is no feasible alternative and **replaces the public access with access of comparable functions and value at another location.**” MCC 17.50.140(b)(16) (emphasis supplied). The applicant has not complied and cannot comply with this regulation. Existing, formal public access (which, again, includes travel over Oakland Bay and aesthetic views of, from, and across Oakland Bay), is currently provided at Sunset Bluff County Park and Oakland Bay County Park, among other locations.

Sunset Bluff County Park is a 36-acre public park with 1500 feet of waterfront on Oakland Bay that was acquired in 2012 and opened in 2013. The park includes beach and water access, with

³ County shorelines, of course, are not limited to the bank or beach of waterbodies. The term “Shorelines” means “all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them[.]” MCC 17.50.020. While this definition of “shorelines” is followed by three exceptions, none of them apply to Oakland Bay. Oakland Bay is not a shoreline of statewide significance, a stream, or a lake. The entirety of Oakland Bay is a shoreline as defined in the code.

plans for trails, a picnic area, a small parking area and vault toilet. Comp Plan at PDF 170/319. The Trust for Public Land used public funding in the amount of \$1,300,000 to acquire the parcels that became Sunset Bluff County Park.⁴ Views like the one below (looking north and west from the waterfront of Sunset Bluff County Park)⁵ would be degraded by the Project. The currently open expanse of water for recreational boating visible in the photograph would have a 50-acre public exclusion zone in the middle of it, if the Project is approved.



Mason County; Sunset Bluff Shoreline Acquisition (#11-1522)
Attachment #4, 11-1522 Sunset Bluff beach looking northwest-sm2

B. The Project is Not Consistent with the Policies of the SMP Regarding Views and Aesthetics.

The Project is inconsistent with the views and aesthetics policies set out at MCC 17.50.145. The first policy is “to minimize obstructions of the public’s visual access to the water and shoreline from new shoreline developments while recognizing private property rights.” MCC 17.50.145(1). As described above in Section I.A, the adverse visual impacts of the Project would be immense. While the Project may not “obstruct” visual access to Oakland Bay in the same way that a building or a wall would, it would degrade and destroy the beauty of the view from many locations around the Bay, including from private property, Sunset Bluff County Park, and Oakland Bay County

⁴ Available at: <https://srp.rco.wa.gov/project/160/17044>.

⁵ *Id.*

Park. It makes no sense to limit obstructions to views of natural beauty while allowing an industrial scale floating aquaculture facility to degrade and destroy the natural beauty itself.

The second views and aesthetics policy states: “Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities (as seen from land or from water) that are derived from natural or cultural features, such as estuaries, bluffs, beaches, vegetative cover and historic sites/structures.” MCC 17.50.145(2). Oakland Bay is a natural feature. The Project would significantly detract from the shoreline scenic and aesthetic qualities of the Bay as seen from land. The Project would significantly detract from the shoreline scenic and aesthetic qualities of bluffs (including Sunset Bluff County Park), beaches, and mountains as seen from the water.

The sixth views and aesthetics policy states: “Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.” MCC 17.50.145(6). While at first glance this policy might seem to support prioritizing the water-dependent floating aquaculture use above scenic views, two factors demonstrate otherwise.

One, there is a compelling reason why this particular water-dependent shoreline use should not be prioritized over maintenance of views from adjacent properties. In most cases, a water-dependent shoreline use would be in conflict with maintaining the views from—at most—a handful of adjacent properties. Here, though, the Project irreconcilably conflicts with views from *every property that looks across the Bay*, including public properties like Sunset Bluff County Park and Oakland Bay County Park. The Project, in the middle of Oakland Bay, is in that sense adjacent to every shoreline property on the Bay. The sixth views and aesthetics policy does not authorize prioritizing water-dependent shoreline uses over views from every property with view of and across the bay.

A key difference between the proposed project and the industrial aquaculture installations referenced in Chesapeake Bay and Humboldt County is that almost all of the installations are located on very large water bodies or in rural river deltas with minimal if no opposing shoreline available for development. In many instances there is more than 10 miles of distance to the next shoreline or oyster farm, thereby existing in a very substantially different environment. The impact of these other industrial aquaculture operations on view corridors, recreation and navigation is simply not comparable due to the much larger bodies of water in which these facilities are located.

Two, MCC 17.50.145(6) puts water-dependent shoreline uses and physical public access on equal footing. Nothing in that section supports prioritizing water-dependent shoreline uses over physical public access. As described above in Section I.B, the Project would substantially interfere with physical public access to the Bay. Kayakers would be forced to circumnavigate the Project to get from one side of the bay to the other, instead of simply paddling across as they can now. Access for recreational sailing would be destroyed by placing a multi-acre navigational obstacle in the middle of the Bay, preventing sailboats from tacking upwind back and forth across the Bay.

B. The Project is Not Consistent with the Policies and Regulations of the SMP Regarding Aquaculture.

The Project is inconsistent with the aquaculture policies and regulations set out at MCC 17.50.210.

1. The Project is inconsistent with the aquaculture policies set out at MCC 17.50.210(a).

The ninth aquaculture policy states: Aquaculture Policies:

The county should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions or adversely impact eelgrass and macro-algae. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, or establish new nonnative species which cause significant ecological impacts. Unavoidable impacts to ecological functions shall be mitigated.

MCC 17.50.210(a)(9). As described above in Section I.D and I.E, the county lacks information that is required to consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions. Local ecological conditions in Oakland Bay are very different from the ecological conditions in Chesapeake Bay (which the applicant uses as an example of impacts to ecological conditions).

The Project is not an appropriate, compatible type of aquaculture for the local conditions, no matter what limits, conditions, or mitigation requirements are placed on it. Moreover, without information from the applicant regarding the ecological impacts of moving acres of gear to some alternate location, storing it there for a few weeks, and moving it back every year, the county is unable to assess the potential for the Project to spread disease to native aquatic life.

The tenth aquaculture policy directs the county to recognize “the possible impacts that aquacultural activities might have on the aesthetic quality of the shoreline area.” MCC 17.50.210(a)(10). As described above, the Project would degrade and destroy the aesthetic quality of the shoreline area. The county should recognize this and deny the SSDP and SCUP permits.

The twelfth aquaculture policy states: “Aquacultural activities should be operated in a manner that allows navigational access to shoreline owners and commercial traffic.” MCC 17.50.210(a)(12). As described above, the Project would have huge adverse impacts to navigational access to the Bay. Shoreline owners currently enjoy unimpeded navigational access on and across the Bay for

kayaking and sailing. Placing 30 parallel lines of floating oyster bags, each line 2,000 feet long, stretched across 50 acres in the middle of Oakland Bay would destroy that access.

Members of Friends of Oakland Bay and the general public, including users of the nearby public parks, enjoy boating on the Bay. They are currently able to sail or kayak across the Bay from one side to the other. The proposed project would put a stop to that by placing a 50-acre navigational obstacle in the middle of the Bay. This is especially true for sailing. The path a sailboat takes is often dictated by the wind and moving a sailboat upwind requires tacking back and forth across the Bay. The applicant's project would exclude boaters from the middle of the Bay and would require recreational sailboats to navigate around a 50-acre obstruction in the middle of the Bay. Similarly, recreational kayakers would no longer be able to launch from their property and paddle across the Bay. Instead, kayakers would be forced to paddle a circuitous route around a 50-acre navigational obstruction to reach the other side of the Bay.

The Project's interference with commercial navigation is demonstrated by the applicant's plan to move the whole multi-acre facility to some other location for a "few weeks" out of every year, so that tribal fishing boats can operate in the Bay. During the rest of the year, the Project will be a navigational obstacle to both recreational and commercial navigation.

The thirteenth aquaculture policy directs the county to review the Project "for conflicts with other water dependent uses in areas that are utilized for moorage, recreational boating, sport fishing, commercial fishing or commercial navigation. Such surface installation shall incorporate features to reduce use conflicts." MCC 17.50.210(a)(13). Oakland Bay is utilized for moorage, recreational boating, sport fishing, commercial fishing and commercial navigation. The Project would conflict with those long-existing uses, as described above.

2. The Project is inconsistent with the aquaculture regulations set out at MCC 17.50.210(b).

MCC 17.50.210(b)(1)(E) states that "aquacultural uses and developments may be required to provide mitigation where necessary to offset significant adverse impacts to normal public use of surface waters." The Project would have significant adverse impacts to normal public use of Oakland Bay, including but not limited to public access, aesthetic views, and recreational boating. It is not possible to mitigate those significant adverse impacts for this Project, so this regulation cannot be met.

MCC 17.50.210(b)(1)(J) requires: "To the maximum extent practicable, floating aquaculture structures shall not substantially detract from the aesthetic qualities of the surrounding area, provided methods are allowed by federal and state regulations and follow best management practices." The Project as proposed substantially detracts from the aesthetic qualities of the surrounding area, as described above. The applicant proposes to place 600 floating oyster culture bags in the middle of Oakland Bay. The floating bags would be arranged in 30 parallel lines of bags, each line approximately 2,000 feet long with large floats at each end. The lines of bags would be lit with navigation hazard lights, visible in the evening and at night. The total surface area of

the floating bags would be 9.1 acres, more than twice the area of a Nimitz class aircraft carrier. The project site area, from which recreational boaters, anglers, and other water dependent uses would be excluded, is 50 acres. During installation and maintenance, boats or floating work platforms equipped with cranes and hoists would be highly visible within the project site area. The county should deny the SSDP and SCUP permits and require the applicant to come back with a project that does not degrade and destroy the aesthetic qualities of the surrounding area.

MCC 17.50.210(b)(1)(K) requires: “Aquacultural structures shall be placed in such a manner, and be suitably sized and marked, so as to minimize interference with navigation.” As described above, excluding recreational boaters from a 50-acre area in the middle of Oakland Bay maximizes, rather than minimizes, the Project’s interference with navigation. The Project is not consistent with this regulation.

MCC 17.50.210(b)(1)(L) requires that aquaculture development “shall be designed and constructed with best management practices to minimize visual impacts[.]” This Project is not designed to minimize visual impact. It would be the single most prominent feature in the Bay, as viewed from the waters of the and from surrounding properties, including public properties like Sunset Bluff County Park and Oakland Bay County Park. It would be lit up at night. The county should not allow Oakland Bay, a natural feature of great beauty, to be marred by a huge floating industrial aquaculture operation.

As explained above, the Project does not meet the review criteria for shoreline substantial development permits set out in MCC 17.50.400(c)(3). The Project is not consistent with the policies and regulations of the Mason County Shoreline Master Program. Therefore, pursuant to MCC 17.50.400(c)(3)(A)(ii)(a), the county must deny the application for a shoreline substantial development permit.

III. THE COUNTY SHOULD DENY THE APPLICATION FOR A SHORELINE CONDITIONAL USE PERMIT

The county can only grant a shoreline conditional use permit for the project if the applicant can demonstrate that *all* of the SCUP review criteria set out at MCC 17.50.400(c)(3)(B)(ii)(a–e) are met. The applicant has not and cannot demonstrate that those review criteria are met—because they are not met.

The first review criterion requires: “That the proposed use will be consistent with the policies of RCW 90.58 and the policies of the master program[.]” MCC 17.50.400(c)(3)(B)(ii)(a). As explained above in the context of the SSDP review criteria, the project is not consistent with the policies of the Shoreline Master Program. *See* Section II.A–C, above. Nor are there any conditions that the county could attach to the SCUP permit that would render the Project consistent with the policies of the Shoreline Master Program.

The second review criterion requires: “That the proposed use will not interfere with the normal public use of public shorelines[.]” MCC 17.50.400(c)(3)(B)(ii)(b). As explained above, the project

would interfere with the normal public use of public shorelines. The Project would degrade or destroy views from, of, and across the Bay, both during the day and at night when the Project would be lit up with navigational hazard lights. The applicant proposes to exclude recreational boaters from a 50-acre area in the middle of Oakland Bay, substantially interfering with recreational kayaking and sailing. The Project would substantially interfere with recreational fishing in the Bay. This SCUP criterion is not met and cannot be met.

The third review criterion requires: “That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program[.]” MCC 17.50.400(c)(3)(B)(ii)(c). As explained above, the Project is not compatible with other permitted uses in the area, including but not limited to the public park use at Sunset Bluff County Park and Oakland Bay County Park.

The fourth review criterion requires: “That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located[.]” MCC 17.50.400(c)(3)(B)(ii)(d). As described above, the Project would have significant adverse ecological effects on Oakland Bay. The county lacks information from the applicant that is needed to assess compliance with this criterion (for example, the county lacks information on the ecological of moving the whole multi-acre facility to some other location for a “few weeks” out of every year and effects of lost or degraded HDPE plastics on the marine environment). Moreover, the “significant adverse effects” language in this criterion mirrors the language of SEPA. Under SEPA, environmental effects are not limited to ecological effects. They include effects on aesthetics. As explained above, the Project would have significant adverse effects on aesthetics.

The fifth review criterion requires: “That the public interest suffers no substantial detrimental effect.” MCC 17.50.400(c)(3)(B)(ii)(e). This Project would primarily serve the private commercial interests of Taylor Shellfish, to the substantial detriment of members of the public who look at, boat on, and fish in Oakland Bay. In addition to detrimental effects to public access rights, the Project is likely to negatively impact property values for parcels overlooking the Bay.

As explained above, the Project does not meet the review criteria for shoreline conditional use permits set out in MCC 17.50.400(c)(3)(B). Therefore, pursuant to MCC 17.50.400(c)(3)(B)(ii) and (iii), the county must deny the application for a shoreline conditional use permit.

Moreover, when the county is faced with a decision on an SCUP application, “consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should remain consistent with the policies of the master program and should not produce substantial adverse effects to the shoreline environment.” MCC 17.50.400(c)(3)(B)(v). As noted above, this is the first time that Mason County has considered an industrial floating oyster aquaculture project. In deciding whether to grant the SCUP permit before it now, the county must consider the cumulative impacts that would follow if this precedent-setting application were approved. This Project *alone* is inconsistent with the policies and regulations of the SMP and has substantial adverse effects to the natural and built

environment. If other floating oyster aquaculture developments are approved in Oakland Bay (similar circumstances exist throughout the Bay), the cumulative adverse impacts on the Bay and the people who enjoy the Bay would be severe.

IV. THE COUNTY FAILED TO COMPLY WITH SEPA

As explained in the comment letter that Friends of Oakland Bay submitted to the county on May 4, 2023,⁶ the information provided by the applicant to date is insufficient for the county to analyze the probable, significant, adverse environmental impacts of the proposed project. But the applicant admits to impacts sufficient to show that once adequate information is submitted, a determination of significance (*i.e.*, an EIS) will be required.

A determination of nonsignificance is only appropriate when the responsible official determines that “there will be no probable significant adverse environmental impacts from a proposal[.]” WAC 197-11-340(1). In all cases where “may have a probable significant adverse environmental impact[.]” a determination of significance is required. WAC 197-11-360(1).

These rules include an important distinction regarding the degree of confidence when deciding whether to issue a determination of non-significance (DNS) or a determination of significance (DS). A DNS can only be issued if “*there will be no* probable significant adverse environmental impacts” from the proposed project. But the county need not determine that there “will be” probable significant adverse environmental impacts from the project to issue a determination of significance (DS). If there “*may*” be probable significant adverse environmental impact, a DS (and EIS) are required.

Here, the Project’s aesthetic impacts and impacts to recreational navigation are probable, significant, and adverse. An EIS is required.

It is important that the county conduct a thorough analysis of this proposed project under SEPA, because this application may be followed by many similar applications. The precedent-setting nature of this proposal must be taken into account and requires a determination of significance and full environmental analysis in an EIS. The responsible official, in determining whether the proposed project may have significant impacts, “shall take into account [that a] proposal may to a significant degree . . . Establish a precedent for future actions with significant effects[.]” WAC 197-11-330(e)(iv).

V. CONCLUSION

For all the forgoing reasons, the county should deny application of Taylor Shellfish for a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit (Record No. SHR2023-00003), because the information provided in the application and related materials does not meet

⁶ Friends of Oakland Bay’s May 4, 2023 SEPA comment letter is incorporated into this comment letter by reference, and should be part of the record considered by the Examiner.

Luke Viscusi, Planner

July 25, 2023

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the criteria for the county to grant a shoreline substantial development permit or a shoreline conditional use permit for the Project.

The county should withdraw its SEPA DNS, issue a threshold determination of significance, and require an environmental impact statement so that the Project's impacts (and the cumulative impacts of similar projects) can be adequately considered.

Very truly yours,

BRICKLIN & NEWMAN, LLP

A handwritten signature in blue ink, appearing to read 'Zachary K. Griefen', is written over the printed name.

David A. Bricklin
Zachary K. Griefen
Counsel for Friends of Oakland Bay

cc: Client